

federal register

Wednesday, June 2, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 106

Pages 10715-10762

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1971 Issuances

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981-999	1.00
1000-1029	1.25
1030-1059	1.00
1060-1089	1.25
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8	1.00
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14 Part 200-end	3.00
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21 Parts:	
1-119	1.75
120-129	1.75
22	1.75
23	.50
24	2.75
25	1.75
26 Parts:	
1 (§§ 1.0-1-1.300)	3.00
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1 (§§ 1.401-1.500)	1.50
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Title	Price
30-39	1.25
40-169	2.50
170-299	3.50
300-499	1.50
500-599	1.75
600-end	.60
27	.45
28	.75
29 Parts:	
0-499	1.50
900-end	1.50
31	2.00
32 Parts:	
1-8	3.25
9-39	2.00
40-399	3.00
400-589	2.00
590-699	1.00
700-799	3.25
800-999	2.00
1000-1399	.75
1400-1599	1.50
1600-end	1.00
33 Part 200-end	1.75
34 [Reserved]	
35	1.75
36	1.25
37	.70
41 Chapters:	
1-2	2.75
3-5D	1.75
18	3.25
19-100	1.00
101-end	2.00
42	1.75
44	.40
47 Parts:	
0-19	1.75
20-69	2.50
70-79	1.75
49 Parts:	
1-199	4.00
200-999	1.75
1000-1199	1.25
1200-1299	3.00
1300-end	1.00

Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.649 (Valencia Reg. 349, 36 F.R. 9129) during the period May 21, 1971, through May 27, 1971, are hereby amended to read as follows:

§ 908.649 Valencia Regulation 349.

(b) * * *

(1) * * *

(i) District 1: 383,000 cartons;

(ii) District 2: 543,000 cartons;

(iii) District 3: 129,847 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and
Marketing Service.

[FR Doc.71-7600 Filed 6-1-71;8:46 am]

[Lime Reg. 30]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

On May 19, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9071) that consideration was being given to proposed regulation as hereinafter set forth in paragraph (a) (1) of § 911.332 *Lime Regulation 30*, which would limit the handling of limes grown in Florida. Such proposed regulation was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 349, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement

agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 35 F.R. 16626), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Such notice provided 7 days during which interested persons could submit written data, views, or arguments for consideration in connection with the proposal. None were filed. However, the said committee met on May 19, 1971, and submitted to the Department the recommendation and supporting information for the regulatory requirements specified herein in § 911.332(a) (2), to be effective for the period June 7, 1971, through April 30, 1972.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Florida Lime Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 911.332 *Lime Regulation 30*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The recommendations by the Florida Lime Administrative Committee reflects its appraisal of the Florida lime crop and the current and prospective market conditions. The size and grade requirements specified herein are necessary to provide consumers with good quality fruit, consistent with the overall quality of the supply available during the periods specified while maximizing returns to the producers pursuant to the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give additional preliminary notice to engage in further public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the regulation herein specified for the period June 1 through June 6, 1971 is identical with that now in effect; the recommendation and supporting information for regulation during the period June 7, 1971, through April 30, 1972 were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on May 19, 1971,

such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective times hereof, are identical with the recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the periods hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.332 Lime Regulation 30.

(a) *Order.* (1) During the period June 1, 1971, through June 6, 1971, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(iii) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1 7/8 inches in diameter.

(2) During the period June 7, 1971, through June 30, 1971, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided*, That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in U.S. Standards for Persian (Tahiti) Limes shall apply; or

(iii) Any limes of the group known as large-fruited or Persian limes (including

Tahiti, Bearss, and similar varieties) which are of size smaller than 1 7/8 inches in diameter.

(3) Notwithstanding the provisions of paragraphs (1) (iii) and (2) (iii), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[FR Doc. 71-7676 Filed 5-28-71; 12:40 pm]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-460]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Participation Loan Transactions

MAY 18, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 5710) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the following purposes:

1. To delete the definition of the term "without recourse" since the same subject matter is covered by the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V (Subchapter D)) which are also applicable to Federal savings and loan associations.

2. To broaden the authority of Federal savings and loan associations to participate in mortgage loan transactions within their regular lending area.

3. To restate the regulatory requirements relating to certain statutory percentage-of-assets limitations applicable to Federal savings and loan associations.

4. To effect certain other technical changes for purposes of clarification.

Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 541 and 545 as follows, effective June 2, 1971:

§ 541.17 [Amended]

A. Said Part 541 is amended by revising § 541.17 thereof.

B. Said Part 545 is amended by revising § 545.6-4 thereof to read as follows:

§ 545.6-4 Participation loans.

(a) *General.*—(1) *Authority for participations.* A Federal association may participate in the making of a loan on the security of real estate with, or purchase a participation interest in such a loan from, an approved lender or lenders if the loan qualifies in all respects (including the location of the security property) as a loan which the association could otherwise make or purchase in its entirety except (i) only the amount of the investment in a participation interest is required to be counted toward the limitation in § 563.9-3 of this chapter on loans to one borrower, and (ii) the percentage-of-assets limitations in §§ 545.6X1(b) (4) and 545.6-7 are modified to the extent permitted by paragraph (c) of this section. A Federal association may sell a participation interest in a loan upon the security of real estate to any investing institution, fund, corporation, partnership, or trust. A Federal association shall comply with the provisions of Part 563 of this chapter with respect to the making of loans in participation with other approved lenders and with respect to the purchase and sale of participation interests in loans on the security of real estate.

(2) *Exception for urban renewal loans.* Investments in urban renewal loans pursuant to § 545.6-18(b) may be made in participation with other than approved lenders, as permitted by § 545.6-18(e).

(b) *Board approval for other transactions.* A Federal association may engage in a participation transaction other than one permitted by paragraph (a) of this section only if it has obtained the prior written approval of the Board with respect to such transaction. Any loan in which a Federal association participates or in which it purchases a participation interest pursuant to such approval may be repayable on such basis and within such period as the Board may authorize in such approval, without regard to any other provision of this part.

(c) *Percentage-of-assets limitation.*

(1) *General limitation.* No Federal association may engage in a participation transaction under this section, if, as a result of such transaction, the aggregate amount of its investment in participation interests in loans of the following types (unless excluded by subparagraph (2) of this paragraph) would exceed an amount equal to 20 percent of its assets:

(i) Loans secured by real estate located beyond the association's regular lending area which comprises (a) single-family dwellings or (b) homes; and

(ii) Loans secured by real estate, wherever located, which comprises (a) other dwelling units or (b) combinations of dwelling units, including homes, and business property involving only minor or incidental business use.

(2) *Exclusions from limitation.* Participation interests in any of the following types of loans shall not be counted toward the 20-percent-of-assets limitation of subparagraph (1) of this paragraph:

(i) Insured loans;

(ii) Guaranteed loans;

(iii) Loans secured by real estate located within the regular lending area of the association which holds a participation interest and which (a) meet the requirements of § 545.6-1(b) (4) and (b) are counted toward the 20-percent-of-assets limitation of that section;

(iv) Loans which are counted toward the 20-percent-of-assets limitation of § 545.6-7; and

(v) Loans which are counted toward the 5-percent-of-assets limitation of § 545.6-18.

(3) *Applicability of other provisions.* Participation interests which are counted toward the 20-percent-of-assets limitation of subparagraph (1) of this paragraph shall not be counted toward the 20-percent-of-assets limitation of § 545.6-7.

(d) *Definition of approved lender.* For the purposes of this section, the term "approved lender" means:

(1) Any lending institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(2) Any agency or instrumentality of the United States or of any State, including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, regularly engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(3) Any approved Federal Housing Administration mortgagee meeting the requirements specified in subparagraph (4) of paragraph (a) of § 563.9 of this chapter; and

(4) Any service corporation in which the entire capital stock is held by one or more institutions which are insured or eligible to apply for insurance of accounts under title IV of the National Housing Act, as amended.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 7943-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[FR Doc.71-7627 Filed 6-1-71;8:48 am]

[No. 71-489]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Eligibility Requirements for Branch Office Applications

MAY 25, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 6839) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 545 and 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545, 556) for the purpose of liberalizing the requirements which must be met for a Federal savings and loan association to be eligible to have a branch office application considered by the Board. Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 545 and 556 as follows, effective June 2, 1971:

1. Said Part 545 is amended by revising paragraph (b) of § 545.14 thereof to read as follows:

§ 545.14 Branch office.

(b) *Eligibility.* A Federal association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(1) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(2) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(3) The sum of the applicant association's reserves and surplus is equal to at least 3 percent of its savings accounts;

(4) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within 12 months after the date of approval by the Board, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after the date of approval by the Board:

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraph (1) of this paragraph.

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2. Said Part 556 is amended by revising subparagraph (4) of paragraph (b) of § 556.5 thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch offices and mobile facilities of such association.

(b) Policy on approval of branch offices mobile facilities. * * *

(4) (i) As a general policy under § 545.14(b) of this chapter, the Board will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraphs (1) through (4) of § 545.14(b) of this chapter. However, under the proviso to paragraph (b) of § 545.14 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirements contained in subparagraph (1) of § 545.14(b) of this chapter.

(ii) It is the intention of the Board to permit this special treatment in connection with applications for branches to serve low-income, innercity areas which are inadequately served by existing savings and loan facilities. Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if less than 4 months have expired from the date of publication of notice thereof) is for a branch office (a) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (b) to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 545.14(g) of this chapter, and the application may be processed as provided therein.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[FR Doc.71-7625 Filed 6-1-71;8:48 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION

[No. 71-461]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Participation Loan Transactions

MAY 18, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 5711) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563) for the following purposes:

1. To make a technical change in the definition of the term "without recourse" as it relates to the sale of loans or participation interests in loans by insured institutions.

2. To increase the authority of insured institutions with respect to participations in mortgage loan transactions in the following respects:

(a) Authorizing participation in mortgage loan transactions with additional classes of lenders;

(b) Broadening the types of real estate security for mortgage loans which may be the subject of participation transactions; and

(c) Decreasing the percentage of the participation in a mortgage loan transaction required to be retained by the institution which will service the mortgage loan, when the security is "residential real estate".

3. To effect certain other technical changes for purposes of clarification.

Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 561 and 563 as follows, effective June 2, 1971:

A. Said Part 561 is amended by revising § 561.8 thereof to read as follows:

§ 561.8 Without recourse.

The term "without recourse" means, in connection with the sale of a loan or a participation interest in a loan, without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

B. Said Part 563 is amended as follows:

1. By revising § 563.9-1 thereof to read as follows:

§ 563.9-1 Participation loans.

(a) Loans on real estate located within normal lending territory. Any insured institution may, to the extent it has legal power to do so, participate with others in making any loan on the security of real estate located within its normal lending territory and purchase from or sell to others participation interests in such loans.

(b) Loans on real estate located beyond normal lending territory—(1) General. Subject to the provisions of this section, any insured institution, to the extent it has legal power to do so, may purchase from any other approved lender a participation interest in any loan secured by a first lien upon real estate located outside its normal lending territory, and may participate with any other approved lender or lenders in the making of any such loan, if:

(i) The loan is an insured loan or a guaranteed loan; or

(ii) The loan is secured by property located within 100 miles of an office of any other approved lender, which (a) services such loan and (b) at the close of the participation transaction has an interest in the loan of at least:

(1) 10 percent, if the loan is secured by residential real estate.

(2) 50 percent, if the loan is secured by real estate other than residential real estate.

(2) Scheduled items limitation. (i) No insured institution may, pursuant to subdivision (ii) of subparagraph (1) of this paragraph, purchase a participation interest from, or enter into a participation with, any insured institution which had at the close of its immediately preceding semiannual period, scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets, unless the prior written approval of the Corporation has been obtained as provided in subdivision (ii) of this subparagraph.

(ii) An insured institution having scheduled items in excess of 4 percent of its specified assets may request Corporation approval for other insured institutions to purchase from it participation interests in loans and to participate with it in the making of loans pursuant to subparagraph (1) of paragraph (b) of this section. Any such request by the institution for Corporation approval shall be transmitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, with a copy thereof to the Supervisory Agent.

(3) Requirements as to servicer. An insured institution may maintain a participation interest in a loan, other than an insured loan or a guaranteed loan,

purchased or jointly originated pursuant to subdivision (ii) of subparagraph (1) of this paragraph, only if the loan is serviced by another approved lender having (i) an office located within 100 miles of the real estate securing the loan and (ii) an interest in such loan of at least (a) 10 percent, if the loan is secured by residential real estate, or (b) 50 percent, if the loan is secured by other than residential real estate. In the event that the requirements set forth in the preceding sentence cease to be met with respect to a loan in which an insured institution has a participation interest, such institution shall dispose of such participation interest within 90 days from the date that such requirements ceased to be met, unless it has, prior to the expiration of such 90-day period, obtained the written approval of the Corporation to maintain such investment for such longer period as the Corporation may provide.

(4) *Percentage-of-assets limitation.* No insured institution shall engage in a participation transaction under paragraph (b) of this section, except a transaction involving an insured loan or a guaranteed loan, if, as a result of such transaction, the aggregate amount of its investment in participation interests in loans on the security of real estate located beyond its normal lending territory, other than insured loans or guaranteed loans, would exceed an amount equal to 40 percent of its assets.

(c) *Applicability of other provisions.* The participation by an insured institution in the making of a loan pursuant to the approval granted by this section, or the purchase by an insured institution of a participation interest in a loan pursuant to such approval, shall not be subject to the provisions of § 563.10.

(d) *Definitions.* As used in this section—

(1) The term "approved lender" means:

(i) Any lending institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation;

(ii) Any agency or instrumentality of the United States or of any State, including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, engaged in the making, purchasing, or selling of loans on the security of real estate or in the purchasing or selling of participation interests in such loans;

(iii) Any approved Federal Housing Administration mortgagee meeting the requirements specified in subparagraph (4) of paragraph (a) of § 563.9; and

(iv) Any service corporation in which the entire capital stock is held by one or more insured institutions or institutions which are eligible to apply for insurance of accounts under title IV of the National Housing Act, as amended.

(2) The term "residential real estate" means real estate (i) improved by a structure or structures designed primarily for residential use and (ii) having at least 80 percent of its total value com-

prised of the land and improvements attributable to such residential use, but such term shall not include nursing homes, homes for the aging, and mobile home parks.

(3) The term "Supervisory Agent" means the President of the Federal Home Loan-Bank of the district in which the insured institution is located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided in § 501.11 of this chapter.

2. By revising § 563.9-2 thereof to read as follows:

§ 563.9-2 Sale of participations in loans on real estate beyond normal lending territory.

Any insured institution may, to the extent it has legal power to do so, sell a participation interest in any loan upon the security of real estate which is located beyond its normal lending territory to any investing institution, fund, corporation, partnership, or trust.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1843-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc. 71-7628 Filed 6-1-71; 8:48 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA
SAVINGS AND LOAN OFFICES

[No. 71-490]

PART 582—OFFICES

PART 582b—STATEMENTS OF
POLICY

Eligibility Requirements for Branch
Office Applications

MAY 25, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 6840) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 582 and 582b of the Regulations for District of Columbia Savings and Loan Offices (12 CFR Parts 582, 582b) for the purpose of liberalizing the requirements which must be met for a Federal savings and loan association to be eligible to have a branch office application considered by the Board. Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 582 and 582b as follows, effective June 2, 1971.

1. Said Part 582 is amended by revising paragraph (b) of § 582.1 thereof to read as follows:

§ 582.1 Branch office.

(b) *Eligibility.* A Federal association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(1) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(2) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(3) The sum of the applicant association's reserves and surplus is equal to at least 3 percent of its savings accounts;

(4) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within 12 months after the date of approval by the Board, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after the date of approval by the Board:

Provided, however, That the Board may, with respect to a particular application, determine to consider and process that application without regard to the eligibility requirements contained in subparagraph (1) of this paragraph.

2. Said Part 582b is amended by revising § 582b.2 to read as follows:

§ 582b.2 Policy with respect to inner-city branch offices.

(a) As a general policy under § 582.1(b) of this chapter, the Board will not consider or process any application by an association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraphs (1) through (4) of § 582.1(b) of this chapter. However, under the proviso to paragraph (b) of § 582.1 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirements contained in subparagraph (1) of § 582.1(b) of this chapter. It is the intention of the Board to permit this special treatment in connection with

applications for branches to serve low-income, innercity areas which are inadequately served by existing savings and loan facilities.

(b) Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if less than 4 months have expired from the date of publication of notice thereof) is for a branch office (1) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (2) to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 582.1(g) of this chapter, and the application may be processed as provided therein.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc. 71-7626 Filed 6-1-71; 8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-139]

MISCELLANEOUS AMENDMENTS TO CHAPTER

On January 13, 1971, notice of proposed rule making to amend the Customs Regulations pertaining to merchandise whose classification is dependent upon proof of actual use was published in the FEDERAL REGISTER (36 F.R. 432). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

The following changes have been made in the proposed amendments.

(1) In § 10.131, a new sentence has been added to make clear that special

marking or certification requirements may be applicable to merchandise the treatment of which is governed by §§ 10.131-10.139.

(2) In paragraph (b) of § 10.132, the item number of the Tariff Schedules of the United States applicable to woven bolting cloths, wholly of silk, is corrected to read Item 357.25.

(3) In § 10.134, the phrasing of the first sentence is changed to provide that the declaration of intent shall be filed with the entry.

(4) In § 25.18, paragraph (b) is deleted, rather than amended. Further study has established that the provision had application only in cases of proof of actual use, and is obsolete in view of the provisions of General Headnote 10 (e) (ii), Tariff Schedules of the United States, and prior changes in the regulations.

(5) Section 10.41a is amended to delete the cross reference to § 25.18(b) in the last sentence of subparagraph (2) of paragraph (a).

The proposed amendments including these changes are adopted as set forth below.

Effective date. These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: May 21, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE; SUBJECT TO A REDUCED RATE, ETC.

1. Part 10 is amended by adding at the end thereof a center heading and new §§ 10.131 through 10.139 reading as follows:

RATE OF DUTY DEPENDENT UPON ACTUAL USE

§ 10.131 Circumstances in which applicable.

The provisions of §§ 10.131 through 10.139 are applicable in those circumstances in which the rate of duty applicable to merchandise is dependent upon actual use, unless there is a specific provision in this part or Part 54 of this chapter which governs the treatment of the merchandise. However, specific marking or certification requirements, such as those for bolting cloths in section 10.58, may be applicable to merchandise subject to the provisions of sections 10.131-10.139.

§ 10.132 Examples of actual use provisions.

Examples of actual use provisions found in the Tariff Schedules of the United States (19 U.S.C. 1202) which will be subject to the provisions of §§ 10.131 through 10.139 are:

(a) Rice * * * Patna, cleaned, for use in the manufacture of canned soups

(Item 131.37, Tariff Schedules of the United States);

(b) Woven bolting cloths, wholly of silk, imported to be used for milling purposes, and marked so as to be fit for such purposes (Item 357.25, Tariff Schedules of the United States); and

(c) Limestone, crude, broken, or crushed, when imported to be used in the manufacture of fertilizer (Item 480.05, Tariff Schedules of the United States).

§ 10.133 Conditions required to be met.

When the tariff classification of any article is controlled by its actual use in the United States, three conditions must be met in order to qualify for free entry or a lower rate of duty unless the language of the particular item of the Tariff Schedules of the United States applicable to the merchandise specifies other conditions. The conditions are that:

(a) Such use is intended at the time of importation.

(b) The article is so used.

(c) Proof of use is furnished within 3 years after the date the article is entered or withdrawn from warehouse for consumption.

(77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdate, 10(e) (ii))

§ 10.134 Declaration of intent.

A showing of intent by the importer as to the actual use of imported merchandise shall be made by filing with the entry for consumption or for warehouse a declaration as to the intended use of the merchandise, or by entering the proper item number of an actual use provision of the Tariff Schedules of the United States and the reduced or free rate of duty on the entry form. Entry made under an actual use provision of the Tariff Schedules of the United States may be construed as a declaration that the merchandise is entered to be used for the purpose stated in the schedules, provided the district director is satisfied the merchandise will be so used. However, the district director shall require a written declaration to be filed if he is not satisfied that merchandise entered under an actual use provision will be used for the purposes stated in the schedules.

§ 10.135 Deposit of duties.

When the requirement of § 10.134 has been met the merchandise may be entered or withdrawn from warehouse for consumption without deposit of duty when proof of use will result in free entry, or with deposit of duty at the lower rate when proof of use will result in a lower rate of duty. For bond requirements, see section 8.28 of this chapter.

§ 10.136 Suspension of liquidation.

Liquidation of an entry covering merchandise for which a declaration of intent has been made pursuant to § 10.134 and any required deposit of duties made, shall be suspended until proof of use is furnished or the 3-year period allowed for production thereof has expired.

§ 10.137 Records of use.

(a) *Maintenance by importer.* The importer shall maintain accurate and de-

tailed records showing the use or other disposition of the imported merchandise. The burden shall be on the importer to keep records so that the claim of actual use can be readily established.

(b) *Retention of records.* The importer shall retain records of use or disposition for a period of 3 years from the date of liquidation of the entry.

(c) *Examination of records.* The records required to be kept by paragraph (a) shall be available at all times for examination and inspection by an authorized Customs officer.

§ 10.138 Proof of use.

Within 3 years from the date of entry or withdrawal from warehouse for consumption, the importer shall submit in duplicate in support of his claim for free entry or for a reduced rate of duty a certificate executed by (1) the superintendent or manager of the manufacturing plant, or (2) the individual end-user or other person having knowledge of the actual use of the imported article. The certificate shall include a description of the processing in sufficient detail to show that the use contemplated by the law has actually taken place. A blanket certificate covering all purchases of a given type of merchandise from a particular importer during a given period, or all such purchases with specified exceptions, may be accepted for this purpose, provided the importer shall furnish a statement showing in detail, in such manner as to be readily identified with each entry, the merchandise which he sold to such manufacturer or end-user during such period.

§ 10.139 Liquidation.

(a) *In general.* Upon satisfactory proof of timely use of the merchandise for the purpose specified by law, the entry shall be liquidated free of duty or at the lower rate of duty specified by law. When such proof is not filed within 3 years from the date of entry or withdrawal from warehouse for consumption, the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.

(b) *Exception for blackstrap molasses.* An entry covering blackstrap molasses, as hereinafter defined, may be accepted and liquidated with duty at the lower rate after the filing of the declaration of intent required by § 10.134 and the deposit of estimated duties required by § 10.135 without compliance with §§ 10.136, 10.137, and 10.138. Blackstrap molasses is "final" molasses practically free from sugar crystals, containing not over 58 percent total sugars and having a ratio of

$$\frac{\text{total sugars} \times 100}{\text{Brix}}$$

not in excess of 71. In the event of doubt, an ash determination may be made. An ash content of not less than 7 percent indicates a blackstrap molasses within the meaning of this paragraph.

2. Part 10 is further amended as follows:

In section 10.41a, the last sentence of subparagraph (2) of paragraph (a) is amended to read: When such proof is not filed within 3 years from the date of entry, the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States."

In § 10.43, paragraph (c) and footnote 40 appended thereto are deleted.

Section 10.88 and footnote 79 appended thereto are deleted.

Section 10.100 and footnotes 92a and 92b appended thereto are deleted.

Section 10.101 and footnote 93 appended thereto are deleted.

Section 10.111 is deleted.

Section 10.113 is deleted.

(R.S. 251, 77A Stat. 14, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdntes. 10 and 11), 1624)

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

3. Part 13 is amended by deleting § 13.4 and footnotes 3 and 4 appended thereto.

(R.S. 251, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

4. In § 16.3, paragraph (b) is amended to read:

(b) The liquidation of entries covering articles entered at a conditionally reduced rate or conditionally free of duty under provisions of the Tariff Schedules of the United States in accordance with sections 10.131–10.135 of this chapter relating to actual use shall be suspended in accordance with section 10.136 of this chapter.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

5. In section 25.18, paragraph (b) is deleted.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

6. Part 54 is amended as follows:

Section 54.4 is deleted.

Section 54.7 is deleted.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc.71-7610 Filed 6-1-71;8:47 am]

[T.D. 71-138]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of March 26, 1971, has advised the Treasury Department that, except for ground equipment, Thailand allows privileges to aircraft

registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Thailand and engaged in foreign trade effective as of the date of such notification.

Under date of March 29, 1971, the Department of Commerce advised the Treasury Department that Yugoslavia allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended. The same privileges are therefore hereby extended to aircraft registered in Yugoslavia and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of section 10.59, Customs Regulations, is amended by the insertion of "Thailand" and "Yugoslavia" in appropriate alphabetical order, the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" and the wording "Not applicable to ground equipment" opposite "Thailand" in the column headed "Exceptions, if any, as noted" in the list of nations in that paragraph.

(Secs. 317, 624, 46 Stat. 696, as amended, 759; 19 U.S.C. 1317, 1624)

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: May 18, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-7612 Filed 6-1-71;8:47 am]

[T.D. 71-140]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of April 16, 1971, has advised the Treasury Department that the Republic of Korea allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). The same privileges are therefore hereby extended to aircraft registered in the Republic of Korea and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Republic of Korea" in appropriate alphabetical order and the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624)

[SEAL]

MYLES, J. AMBROSE,
Commissioner of Customs.

Approved: May 21, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-7624 Filed 6-1-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CERTIFICATION OF INSULIN AND ANTIBIOTIC DRUGS

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121 is amended to update the delegations of authority regarding certifying batches of insulin and antibiotics by revising paragraphs (h) and (i) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(h) *Delegations regarding certification of insulin.* The Director and Deputy Director of the Bureau of Drugs, the Director of the Office of Scientific Evaluation of that Bureau, the Deputy Director for Medical Affairs of that Office and Bureau, the Director and Deputy Director of the Division of Anti-Infective Drug Products of that Office and Bureau, and the Chief of the Certification Services Staff and the Chief of the Certifiable Drug Review Staff of that Division, Office, and Bureau are authorized to certify or reject batches of drugs containing insulin, pursuant to section 506(a) of the Federal Food, Drug, and Cosmetic Act.

(i) *Delegations regarding certification of antibiotic drugs.* The Director and Deputy Director of the Bureau of Drugs, the Director of the Office of Scientific Evaluation of that Bureau, the Deputy Director for Medical Affairs of that Office and Bureau, the Director and Deputy Director of the Division of Anti-Infective Drug Products of that Office and Bureau, and the Chief of the Certification Services Staff and the Chief of the Certifiable Drug Review Staff of that Division, Office, and Bureau are authorized to certify or reject batches of antibiotic

drugs, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order is effective upon publication in the FEDERAL REGISTER (6-2-71).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7594 Filed 6-1-71;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

α-METHYLSTYRENE-VINYL TOLUENE; IDENTIFICATION

No comments were received in response to the notice published in the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13796), proposing that the food additive regulations providing for food-contact use of α-methylstyrene-vinyltoluene copolymer resins be amended by identifying the subject resins as those in a molar ratio of 1 α-methylstyrene to 3 vinyltoluene.

Accordingly, the Commissioner of Food and Drugs concludes that the proposed amendments should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), §§ 121.2520, 121.2526, 121.2562, and 121.2569 are amended by revising the subject items to read as follows:

§ 121.2520 Adhesives.

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	Limitations
α-Methylstyrene-vinyltoluene copolymer resins (molar ratio 1 α-methylstyrene to 3 vinyltoluene).	* * *

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(b) * * *

(2) * * *

List of substances	Limitations
α-Methylstyrene-vinyltoluene copolymer resins (molar ratio 1 α-methylstyrene to 3 vinyltoluene).	* * *

§ 121.2562 Rubber articles intended for repeated use.

(c) * * *

(4) * * *

(iv) * * *

α-Methylstyrene-vinyltoluene copolymer resins (molar ratio 1 α-methylstyrene to 3 vinyltoluene).

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

(b) * * *

(3) * * *

List of Substances	Limitations
α-Methylstyrene-vinyltoluene copolymer resins (molar ratio 1 α-methylstyrene to 3 vinyltoluene).	For use only in coatings that contact food under conditions of use D, E, F, or G described in table 2 of § 121.2526(c), provided that the concentration of α-methylstyrene-vinyltoluene copolymer resins in the finished food-contact coating does not exceed 1.0 milligram per square inch of food-contact surface.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-2-71).

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: May 10, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7532 Filed 6-1-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7118]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Certain Insurance Receipts for Excess Living Expenses

On March 5, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to provide regulations under section 123 of the Internal Revenue Code of 1954 (relating to the treatment of certain insurance receipts for excess living expenses) was published in the FEDERAL REGISTER (36 F.R. 4387). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL]

DEAN J. BARRON,
Acting Commissioner
of Internal Revenue.

Approved: May 25, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary
of the Treasury.

In order to provide regulations under section 123 of the Internal Revenue Code of 1954, as amended by section 901 of the Tax Reform Act of 1969 (83 Stat. 709), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.123 is amended by revising the section number in the title, the section number in the statutory material, and by revising the historical note. These amended provisions read as follows:

§ 1.124 Statutory provisions; cross references to other acts.

Sec. 124. Cross references to other acts. * * *

[Sec. 124 as amended by section 501(t), Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 885); sec. 2201(25), Veterans' Benefits Acts of 1957 (71 Stat. 160); sec. 13 (t), Act of Sept. 2, 1958 (Public Law 85-857, 72 Stat. 1266); as renumbered by sec. 206(a), Rev. Act 1964 (78 Stat. 38); as renumbered by sec. 1(a) (2), Act of Mar. 8, 1966 (Public Law 89-365, 80 Stat. 32); as renumbered by sec. 901, Tax Reform Act 1969 (83 Stat. 709)]

PAR. 2. There are inserted immediately following § 1.122-1 the following new sections:

§ 1.123 Statutory provisions; amounts received under insurance contracts for certain living expenses.

SEC. 123. Amounts received under insurance contracts for certain living expenses—
(a) General rule. In the case of an individual whose principal residence is damaged or destroyed by fire, storm, or other casualty, or who is denied access to his principal resi-

dence by governmental authorities because of the occurrence or threat of occurrence of such a casualty, gross income does not include amounts received by such individual under an insurance contract which are paid to compensate or reimburse such individual for living expenses incurred for himself and members of his household resulting from the loss of use or occupancy of such residence.

(b) Limitation. Subsection (a) shall apply to amounts received by the taxpayer for living expenses incurred during any period only to the extent the amounts received do not exceed the amount by which—

(1) The actual living expenses incurred during such period for himself and members of his household resulting from the loss of use or occupancy of their residence, exceed

(2) The normal living expenses which would have been incurred for himself and members of his household during such period.

[Sec. 123 as added by sec. 901, Tax Reform Act 1969 (83 Stat. 709)]

§ 1.123-1 Exclusion of insurance proceeds for reimbursement of certain living expenses.

(a) In general. (1) Gross income does not include insurance proceeds received by an individual on or after January 1, 1969, pursuant to the terms of an insurance contract for indemnification of the temporary increase in living expenses resulting from the loss of use or occupancy of his principal residence, or a part thereof, due to damage or destruction by fire, storm, or other casualty. The term "other casualty" has the same meaning assigned to such term under section 165(c) (3). The exclusion also applies in the case of an individual who is denied access to his principal residence by governmental authorities because of the occurrence (or threat of occurrence) of such a casualty. The amount excludable under this section is subject to the limitation set forth in paragraph (b) of this section.

(2) This exclusion applies to amounts received as reimbursement or compensation for the reasonable and necessary increase in living expenses incurred by the insured and members of his household to maintain their customary standard of living during the loss period.

(3) This exclusion does not apply to an insurance recovery for the loss of rental income. Nor does the exclusion apply to any insurance recovery which compensates for the loss of, or damage to, real or personal property. See section 165(c) (3) relating to casualty losses; section 1231 relating to gain on an involuntary conversion of a capital asset held for more than six months; and section 1033 relating to recognition of gain on an involuntary conversion. In the case of property used by an insured partially as a principal residence and partially for other purposes, the exclusion does not apply to the amount of insurance proceeds which compensates for the portion of increased expenses attributable to the nonresidential use of temporary replacement property during the loss period. In the case of denial of access to a principal residence by governmental authority, the exclusion provided by this section does not apply to an insurance recovery received by an individual

as reimbursement for living expenses incurred by reason of a governmental condemnation or order not related to a casualty or the threat of a casualty.

(4) (i) Subject to the limitation set forth in paragraph (b), the amount excludable is the amount which is identified by the insurer as being paid exclusively for increased living expenses resulting from the loss of use or occupancy of the principal residence and pursuant to the terms of the insurance contract.

(ii) When a lump-sum insurance settlement includes, but does not specifically identify, compensation for property damage, loss of rental income, and increased living expenses, the amount of such settlement allocable to living expenses shall, in the case of uncontested claims, be that portion of the settlement which bears the same ratio to the total recovery as the amount of claimed increased living expense bears to the total amount of claimed losses and expenses, to the extent not in excess of the coverage limitations specified in the contract for such losses and expenses.

(iii) In the case of a lump-sum settlement involving contested claims, the insured shall establish the amount reasonably allocable to increased living expenses, consistent with the terms of the contract and other facts of the particular case.

(iv) In no event may the amount of a lump-sum settlement which is allocable to increased living expenses exceed the coverage limitation specified in the contract for increased living expenses. Where, however, a coverage limitation is applicable to the total amount payable for increased living expenses and, for example, loss of rental income, the amount of an unitemized settlement which is allocable to increased living expenses may not exceed the portion of the applicable coverage limitation which bears the same ratio to such limitation as the amount of increased living expenses bears to the sum of the amount of such increased living expenses and the amount, if any, of lost rental income.

(5) The portion of any insurance recovery for increased living expenses which exceeds the limitation set forth in paragraph (b) shall be included in gross income under section 61 of the Code.

(b) Limitation.—(1) Amount excludable. The amount excludable under this section is limited to amounts received which are not in excess of the amount by which (i) total actual living expenses incurred by the insured and members of his household which result from the loss of use or occupancy of their residence exceed (ii) the total normal living expenses which would have been incurred during the loss period but are not incurred as a result of the loss of use or occupancy of the principal residence. Generally, the excludable amount represents such excess expenses actually incurred by reason of a casualty, or threat thereof, for renting suitable housing and for extraordinary expenses for transportation, food, utilities, and miscellaneous services during the period of repair or replacement of the damaged principal residence

or denial of access by governmental authority.

(2) *Actual living expenses.* For purposes of this section, actual living expenses are the reasonable and necessary expenses incurred as a result of the loss of use or occupancy of the principal residence to maintain the insured and members of his household in accordance with their customary standard of living. Actual living expenses must be of such a nature as to qualify as a reimbursable expense under the terms of the applicable insurance contract without regard to monetary limitations upon coverage. Generally, actual living expenses include the cost during the loss period of temporary housing, utilities furnished at the place of temporary housing, meals obtained at restaurants which customarily would have been prepared in the residence, transportation, and other miscellaneous services. To the extent that the loss of use or occupancy of the principal residence results merely in an increase in the amount expended for items of living expenses normally incurred, such as food and transportation, only the increase in such costs shall be considered as actual living expenses in computing the limitation.

(3) *Normal living expenses not incurred.* Normal living expenses consist of the same categories of expenses comprising actual living expenses which would have been incurred but are not incurred as a result of the casualty or threat thereof. If the loss of use of the residence results in a decrease in the amount normally expended for a living expense item during the loss period, the item of normal living expense is considered not to have been incurred to the extent of the decrease for purposes of computing the limitation.

(4) *Examples.* The application of this paragraph (b) may be illustrated by the following examples:

Example (1). On March 1, 1970, A's principal residence, a dwelling owned by A no part of which was rented to others or used for nonresidential purposes, was extensively damaged by fire. The damaged residence was under repair during the entire month of March making it necessary for A and his spouse to obtain temporary lodging and to take their meals at a restaurant. A and his spouse incur expenses of \$200 for lodging at a motel, \$180 for meals which customarily would have been prepared in his residence, and \$25 for commercial laundry service which customarily would have been done by A's wife. A makes (directly or through mortgage insurance), or remains liable for, the required March payment of \$190 on the mortgage note on his residence. The mortgage payment results from a contractual obligation having no causal relationship to the occurrence of the casualty and is not considered as an actual living expense resulting from the loss of use of the residence. A's customary commuting expense of \$40 for bus fares to and from work is decreased by \$20 for the month because of the motel's closer proximity to his place of employment. Other transportation expenses remain stable. Since there has been a decrease in the amount of A's customary bus fares, normal transportation expenses are considered not to have been incurred to the extent of the decrease. Finally, A does not incur cus-

tomary expenses of \$150 for food obtained for home preparation, \$75 for utilities expenses, and \$10 for laundry cleansers. The limitation upon the excludable amount of an insurance recovery for excess living expenses is \$150, computed as follows:

LIVING EXPENSES			
	Actual resulting from casualty	Normal not incurred	Increase (decrease)
Housing.....	\$200.00	-----	\$200.00
Utilities.....	-----	\$75.00	(75.00)
Meals.....	180.00	150.00	30.00
Transportation.....	-----	20.00	(20.00)
Laundry.....	25.00	10.00	15.00
Total.....	405.00	255.00	150.00

Example (2). Assume the same facts as in example (1) except that the damaged residence is not owned by A but is rented to him for \$100 per month and that the risk of loss is upon the lessor. Since A would not have incurred the normal rental of \$100 for March, the excludable amount is limited to \$50 (\$150 as in previous example less \$100 normal rent not incurred).

(c) *Principal residence.* Whether or not property is used by the insured taxpayer and members of his household as their principal residence depends upon all the facts and circumstances in each case. For purposes of this section, a principal residence may be a dwelling or an apartment leased to the insured as well as a dwelling or apartment owned by the insured.

[FR Doc.71-7638 Filed 6-1-71;8:49 am]

[T.D. 7119]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Information Reporting in Respect to Medical Corporations

On October 23, 1970, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 6041 of the Internal Revenue Code of 1954, relating to information reporting in respect to medical corporations, was published in the FEDERAL REGISTER (35 F.R. 16545). After consideration of all the relevant matter presented by interested persons regarding the rules proposed, the amendments so proposed are adopted subject to the change set forth below:

Paragraph (c) of § 1.6041-3, as set forth in the appendix to the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805.)

[SEAL]

HAROLD T. SWARTZ,
Acting Commissioner.

Approved: May 25, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary
of the Treasury.

PARAGRAPH (c) of § 1.6041-3, as set forth in the notice of proposed rule making, is revised to read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

(c) Payments to a corporation, except payments made after December 31, 1970, to a corporation engaged in providing medical and health care services or engaged in the billing and collecting of payments in respect to the providing of medical and health care services, other than payments to—

(1) A hospital or extended care facility described in section 501(c)(3) which is exempt from taxation under section 501(a), or

(2) A hospital or extended care facility owned and operated by the United States, a State, the District of Columbia, a possession of the United States, or a political subdivision, agency or instrumentality of any of the foregoing.

For reporting requirements as to payments by cooperatives, and to certain other payments, see sections 6042, 6044, and 6049 and the regulations thereunder in this part;

[FR Doc.71-7639 Filed 6-1-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Strait of Juan De Fuca, Wash., and Elliott Bay, Wash.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.221 governing the use and navigation of a danger zone in the Strait of Juan De Fuca, Wash., is hereby revoked, effective on publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.221 Strait of Juan de Fuca, Wash.; naval operations areas for nonexplosive air-to-surface target practice.

[Revoked]

[Regs., May 6, 1971, 1522-01—Strait of Juan De Fuca, Wash. (ENGOW-ON)] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.750 is hereby amended, revoking paragraph (1) governing the use and navigation of a naval restricted area in Elliott Bay, Wash., effective on publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 207.750 Puget Sound Area, Wash.

(1) *Elliott Bay, Smith Cove; naval restricted area.* [Revoked]

[Regs., May 6, 1971, 1522-01 Elliott Bay, Wash. (ENGOW-ON)] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc. 71-7608 Filed 6-1-71; 8:46 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA, AND CONTROL TECHNIQUES

Miscellaneous Amendments

During the period October 1, 1968, to May 1, 1971, the Environmental Protection Agency and its predecessor agency the Department of Health, Education, and Welfare, designated certain air quality control regions pursuant to the provisions of the Clean Air Act, as amended. The Agency has reviewed these designations as published in the FEDERAL REGISTER, and determined that a number of spelling errors, typographical errors, and incomplete descriptions were included therein. Accordingly, the following corrections to regulations in Part 481 of Title 42 in the Code of Federal Regulations are adopted effective upon publication:

1. Section 481.17, published January 29, 1969 (34 F.R. 1386), is corrected by changing "Grand" to read "Grant" in the description of the regional boundaries.

2. Section 481.34, published December 17, 1969 (34 F.R. 19758), is corrected by changing "Drake County" to read "Darke County" in the list of Ohio counties.

3. Section 481.132, published February 9, 1971 (36 F.R. 2602), is corrected by changing "Know County" to read "Knox County".

4. Section 481.134, published February 9, 1971 (36 F.R. 2602), is corrected by changing "Burleston County" to read "Burleson County".

5. Section 481.13, published February 13, 1971 (36 F.R. 2971), is corrected by changing "Newton Township" to read "Newtown Township" in the list of Connecticut townships.

6. Section 481.26, published March 9, 1971 (36 F.R. 4544), is corrected by changing "Agawan Township" to read "Agawam Township" in the list of Massachusetts townships.

7. Section 481.144, published March 19, 1971 (36 F.R. 5293), is corrected by changing "Albermarle" to read "Albemarle" in the list of Virginia counties.

8. Section 481.57, published March 19, 1971 (36 F.R. 5294), is corrected by changing "Intrastate" to read "Interstate" in the reference to the Eastern Tennessee-Southwestern Virginia region.

9. Section 481.217, published March 26, 1971 (36 F.R. 5693), is corrected by changing "Green County" to read "Greene County".

10. Section 481.251, published March 26, 1971 (36 F.R. 5695), is corrected by changing "Wabunsee County" to read "Wabaunsee County".

11. Section 481.122, published April 1, 1971 (36 F.R. 5983), is corrected by changing "Tallachatchie County" to read "Tallahatchie County".

12. Section 481.195, published April 1, 1971 (36 F.R. 5986), is corrected by changing "Genesee County" to "Genesee County".

13. Section 481.194, published April 1, 1971 (36 F.R. 5992), is corrected by changing "Edmondson County" to read "Edmonson County", and by changing "Metcalf County" to read "Metcalfe County".

14. Section 481.239, published April 1, 1971 (36 F.R. 5994), is corrected by substituting a comma for the period at the end of the phrase "Those portions of Rio Arriba County lying east of the Continental Divide" and by adding thereto the words "and not included within the Jicarilla Apache Indian Reservation."

15. Section 481.83, published April 1, 1971 (36 F.R. 5994), is corrected by substituting a comma for the period at the end of the phrase "Those portions of Sandoval County lying east of the Continental Divide" and by adding thereto the words "and not included within the Jicarilla Apache Indian Reservation."

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c) (2) of Public Law 91-604)

Dated: May 26, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc. 71-7591 Filed 6-1-71; 8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-77; Amdt. Nos. 172-9, 173-47, 176-4, 178-18, 179-6]

METHYLACETYLENE-PROPADIENE, STABILIZED

The purpose of this amendment to the Hazardous Materials Regulations is to provide specific requirements for the shipment of stabilized methylacetylene-propadiene, a flammable compressed gas, in cylinders, tank cars, and tank motor vehicles.

On February 4, 1971, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM-77; Notice No. 71-4 (36 F.R. 2404), which proposed to amend the regulations as described below.

Several comments noted that the proposal contained no provision for exemp-

tion of small quantity shipments under § 173.306(a), and requested that such provision be made. Statements were made that the Department had been supplied with sufficient data to assure that such exemptions would be appropriate.

It was pointed out that reference to specification 4BW in § 173.34(e) (10) was possibly accidentally omitted as the specification was proposed to be added under § 173.304(a) (2). Since that specification cylinder, used for other gases free from corroding components, is included in § 173.34(e) (10), the Board agrees that its omission from § 173.34 (e) (10) was unintentional.

Another commenter observed that reference to specification 4E in §§ 173.34 (e) (10) and 173.304(a) was also omitted. Inclusion of specification 4E in this Docket was never proposed by petitioner and consequently was not considered by the Board in its publication of the subject notice. The Board does agree that insofar as § 173.304(a) (2) is concerned, as supported by petitions, the intent was to provide essentially the same specification packaging for methylacetylene-propadiene mixtures as for liquefied petroleum gases, except that brazed seams were not to be permitted. On the other hand, the matter of generally authorizing inspection of specification 4E cylinders under the optional requirements of § 173.34(e) (10) is a separate issue under consideration in Docket No. HM-76; Notice No. 71-3 (36 F.R. 1153). The Board will decide if it should include these optional inspection provisions for 4E cylinders in methylacetylene-propadiene service on the basis of the outcome of that notice of proposed rulemaking.

On the basis of the above considerations, and in view of the fact that methylacetylene-propadiene mixtures have been successfully shipped for several years in packaging authorized for liquefied petroleum gases, the Board agrees that for this product: (1) Reference to § 173.306 should be included in § 172.5; (2) reference to specification 4BW should be included in § 173.34(e) (10); and, (3) § 173.304(a) (2) should be amended to provide for the use of specification 4E cylinders.

Comments were also received regarding the proper shipping name and descriptive text for methylacetylene-propadiene mixtures. Two commenters observed that the italicized phrase "containing at least 32 percent stabilizing diluents," used with the entry in § 172.5, suggests to the uninformed or inexperienced that a mixture containing these percentages of the product and diluents is stable and satisfactory for shipment. This is not necessarily true. It was suggested, in order to prevent the regulations from being misleading, that the proposed entry be changed by deleting the text in parentheses. Reliance would then be placed on § 173.21(b) to prevent shippers from offering unstable mixtures in

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-180 OF THIS CHAPTER

In § 172.5 paragraph (a), Commodity List is amended as follows:

§ 172.5 List of hazardous materials.
(a) * * *

transportation no matter what the exact composition might be. This approach would be similar to the method that now exists of requiring certain polymerizable materials offered in transportation to be "inhibited" or "stabilized" without further qualification. The Board agrees with this suggestion and has changed section 172.5 accordingly.

Accordingly, 49 CFR Parts 172, 173, 176, 178, and 179 are amended as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add) Methylacetylene-propadiene, stabilized, F.G.	173.304, 173.304, 173.314, 173.315.	...	Red gas.	300 pounds.
(cancel) Methylacetylene—16% to 20% propadiene mixture.	173.306, 173.304, 173.314	...	Red gas.	300 pounds.

PART 173—SHIPPERS

(A) In § 173.34, subparagraph (e) (9) is amended by inserting the phrase "methylacetylene-propadiene, stabilized" immediately following the phrase "liquefied petroleum gas", in the first sentence; subparagraph (e) (10) Table is amended as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(e) * * *	
(10) * * *	
Cylinders made in compliance with— (Add)	
DOT-3A480, DOT-3A480, DOT-3B, DOT-4B, DOT-4BW.	Methylacetylene-propadiene, stabilized which is commercially free from corroding components.

(B) In § 173.301, subparagraph (d) (3) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.
(a) * * *
(2) * * *

Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales.

(E) In § 173.315, subparagraphs (a) (1) Table, (h) (2) Table, and (i) (2) Table are amended as follows:

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (4)
(add) Methylacetylene-propadiene, stabilized. Note 2.	DOT-105A300W; 112A300W; 114A300W 108A 300X, Notes 4 and 9.
(cancel) Methylacetylene—16% to 20% propadiene mixture.	100-105A300W.

NOTE 6: Canceled.

(D) In § 173.314, paragraph (c) Table and paragraph (e) are amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

Kind of gas	Maximum permitted filling density Percent by weight (see Note 1)	Specification container required Minimum design pressure (p.s.i.g.)
(add) Methylacetylene-propadiene, stabilized (see Note 13). 90.	DOT-11, MC-301, MC-331

<p>(h) * * *</p> <p>(2) * * *</p>	
Kind of gas (Add)	Permitted gaging device
<p>* * *</p>	
Methylacetylene-propadiene, stabilized.	Rotary tube; adjustable slip tube; fixed length dip tube.
<p>* * *</p>	
(i) * * *	
(2) * * *	
Kind of gas (Add)	Minimum start-to-discharge pressure (p.s.i.g.)
<p>* * *</p>	
Methylacetylene-propadiene, stabilized.	200.

PART 176—RAIL CARRIERS IN BAGGAGE SERVICE

§ 176.703 [Amended]

In § 176.703, paragraph (b) Table is amended by inserting "Methylacetylene-propadiene, stabilized" Red gas label" between "Liquefied petroleum" and "Methylchloride".

PART 178—SHIPPING CONTAINER SPECIFICATIONS

In § 178.337-14, subparagraph (a) (1) Table and subparagraph (a) (2) are amended as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section.

§ 178.337-14 Gaging devices.

(a) * * *	
(1) * * *	
Kind of gas (Add)	Permitted gaging device for primary control in filling
<p>* * *</p>	
Methylacetylene-propadiene, stabilized.	Rotary tube; adjustable slip tube; fixed length dip tube.

(2) A dip tube gaging device consists of a pipe or tube with a valve at its outer end, with its intake limited by an orifice not larger than 0.060 inch in diameter. If a fixed length dip tube is used the intake must be located midway of the tank both longitudinally and laterally and at maximum permitted filling level and in tanks for transporting liquefied petroleum gases and methylacetylene-propadiene, stabilized, it must be located at the level reached by the lading when the tank is loaded to maximum filling density at 40° F.

PART 179—SPECIFICATIONS FOR TANK CARS

In § 179.102-11 the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102-11 Liquefied petroleum gas, methylacetylene-propadiene, stabilized, or anhydrous ammonia.

(a) Specification 105A300W, 112A340W, 112A400W, or 114A340W tank cars used to transport liquefied petroleum gas, methylacetylene-propadiene, stabilized, or anhydrous ammonia may, as an alternate, comply with the following special requirements:

This amendment is effective August 31, 1971; however, compliance with the regulations as amended herein as authorized immediately.

(Secs. 831-835, 18 U.S.C., sec. 9 Department of Transportation Act, 49 U.S.C. 1657, title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C. on May 25, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.
[FR Doc.71-7546 Filed 6-1-71;8:45 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-12; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

This amendment adds certain tire sizes and alternative rim sizes to the passenger car tire standard and the tire selection and rim standard.

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A, Standard No. 109 and to Appendix A, Standard No. 110. Under these guidelines, the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER, if no objections to the proposed additions are received. If objections to the amendment are received, rulemaking pursuant to the procedures for motor vehicle safety standards (49 CFR 553) are followed. All changes made to the appendices as of April 16, 1971 were reissued and incorporated into the tables and republished in the FEDERAL REGISTER of May 4, 1971 (36 F.R. 8298).

The Rubber Manufacturers Association has petitioned for the addition of the new AR78-13, CR78-13, D78-13, DR 70-13, BR78-14, CR70-14, E60-14, H60-14, A78-15, AR78-15, and HR60-15 tire size designations to Table I, Appendix A

of Standard No. 109 and the appropriate test and alternative rims to Table I, appendix A of Standard No. 110.

The Rubber Manufacturers Association has also petitioned for the addition of the 6-JJ alternative rim size for the JR70-15 and LR70-15 tire size designations; the 8-JJ alternative rim size for the FR60-15 and GR60-15 tire size designations and the 4-JJ alternative rim size for the 175R13 tire size designation to Table I, Appendix A of Standard No. 110.

The European Tyre and Rim Technical Organisation has petitioned for the addition of the 8½-L and 8-K alternative rims for the GR70-15 tire size designation to Table I, Appendix A of Standard No. 110.

The Ford Motor Co. has petitioned for the addition of the 5½-JJ alternative rim size for the 175R13 tire size designation to Table I, Appendix A of Standard No. 110.

On the basis of the data submitted by the Rubber Manufacturers Association, the European Tyre and Rim Technical Organization, and the Ford Motor Co. indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I, Appendix A of Standard No. 109 is being amended and Table I, Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 571.21 of Part 571 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are amended to read as set forth below, effective 30 days from date of publication in the FEDERAL REGISTER.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 501.8)

Issued on May 24, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

In Appendix A—Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars:

1. The existing Table I-G is deleted and in its place the following revised Table I-G is inserted.

2. The existing Table I-J is deleted and in its place the following Table I-J is inserted.

3. The existing Table I-K is deleted and in its place the following Table I-K is inserted.

4. The existing Table I-M is deleted and in its place the following Table I-M is inserted.

5. The existing Table I-R is deleted and in its place the following Table I-R is inserted.

§ 571.21 Federal Motor Vehicle Safety Standards.

RULES AND REGULATIONS

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-G
(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size ¹ designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section ² width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D R70-13.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	32.29	8.05
C R70-14.....	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5 1/2	32.23	7.65
D R70-14.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	32.78	7.90
E R70-14.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	5 1/2	33.42	8.10
F R70-14.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.65
G R70-14.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
H R70-14.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6 1/2	35.31	9.10
I R70-14.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6 1/2	35.85	9.55
L R70-14.....	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6 1/2	37.59	9.80
D R70-15.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	33.34	7.75
E R70-15.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	5 1/2	33.91	7.95
F R70-15.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
G R70-15.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65
H R70-15.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6 1/2	36.83	9.20
J R70-15.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6 1/2	37.31	9.40
K R70-15.....	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6 1/2	37.62	9.60
L R70-15.....	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6 1/2	38.09	9.65

¹ The letters "HR", "SR" or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

² Actual section width and overall width shall not exceed the specified section

width by more than 7 percent.

Changes—New tire sizes DR70-13, CR70-14.

TABLE I-J (AMENDMENT NO. 9)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "75 SERIES" DIAS PLY TIRES

Tire size ¹ designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section ² width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A78-13.....	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	4 1/2	29.71	6.60
B78-13.....	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5	30.72	7.05
C78-13.....	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5 1/2	31.56	7.45
D78-13.....	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4 1/2	31.04	6.85
E78-13.....	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
F78-13.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	32.18	7.40
G78-13.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.62	7.45
H78-13.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	5 1/2	33.29	7.65
I78-13.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.04	7.90
J78-13.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
K78-13.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.68	8.70
L78-13.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.69	8.90
A78-15.....	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	4 1/2	29.85	6.35
B78-15.....	780	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	5	30.85	6.85
C78-15.....	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5 1/2	31.65	7.05
D78-15.....	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4 1/2	31.15	6.85
E78-15.....	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.05	7.05
F78-15.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	32.28	7.40
G78-15.....	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.72	7.45
H78-15.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	5 1/2	33.39	7.65
I78-15.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.14	7.90
J78-15.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.35
K78-15.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.78	8.65
L78-15.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.79	8.90
M78-15.....	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.95
N78-15.....	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	7	39.50	9.80

¹ The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

² Actual section width and overall width shall not exceed the specified section

Changes: New tire sizes: D78-13 and A78-15.

width by more than 7 percent.

TABLE I-K
(Amendment No. 6)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "60 SERIES" DIAS PLY TIRES

Tire size ¹ designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
E60-14.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	7	33.69	9.30
F60-14.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.44	9.65
G60-14.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.23	9.85
H60-14.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.41	10.25
J60-14.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7 1/4	36.90	10.65
L60-14.....	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	8	37.83	11.10
E60-15.....	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,590	6	33.83	8.70
F60-15.....	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.94	9.40
G60-15.....	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.73	9.70
H60-15.....	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.70	10.05
J60-15.....	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7 1/4	37.41	10.45
L60-15.....	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	7 1/2	38.10	10.70

¹ The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

² Actual section width and overall width shall not exceed the specified section

Changes: New Tire Size: H60-14.

width by more than 7 percent.

TABLE I-M
(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size ¹ designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)												Test rim width (inches)	Minimum size factor (inches)	Section ² width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38			
AR78-13	720	770	810	850	900	940	990	1,030	1,070	1,110	1,150	1,190	4½	22.55	6.50
BR78-13	760	810	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,210	4½	20.31	6.75
CR78-13	840	890	930	970	1,000	1,050	1,100	1,140	1,180	1,220	1,260	1,300	5	31.13	7.15
BR78-14	780	830	870	910	950	990	1,030	1,070	1,110	1,150	1,190	1,230	4½	20.94	6.60
CR78-14	840	890	930	970	1,000	1,050	1,100	1,140	1,180	1,220	1,260	1,300	5	31.67	7.00
DR78-14	890	940	980	1,020	1,060	1,100	1,140	1,180	1,220	1,260	1,300	1,340	5	32.26	7.40
FR78-14	950	1,010	1,070	1,130	1,190	1,250	1,310	1,370	1,430	1,490	1,550	1,610	5½	32.56	7.49
GR78-14	1,020	1,090	1,160	1,230	1,290	1,360	1,430	1,490	1,560	1,630	1,700	1,770	6	33.75	7.85
HR78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,510	1,570	1,640	1,700	1,770	1,840	6	34.75	8.30
IR78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,720	1,790	1,860	1,930	2,000	6½	35.77	8.61
JR78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,930	2,000	2,070	6½	36.47	8.65
AR78-15	720	770	810	850	900	940	990	1,030	1,070	1,110	1,150	1,190	4½	30.66	6.25
BR78-15	760	810	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,210	4½	31.33	6.45
CR78-15	840	890	930	970	1,000	1,050	1,100	1,140	1,180	1,220	1,260	1,300	5½	33.53	7.45
DR78-15	890	940	980	1,020	1,060	1,100	1,140	1,180	1,220	1,260	1,300	1,340	5½	34.28	7.70
FR78-15	950	1,010	1,070	1,130	1,190	1,250	1,310	1,370	1,430	1,490	1,550	1,610	6	35.30	8.15
GR78-15	1,020	1,090	1,160	1,230	1,290	1,360	1,430	1,490	1,560	1,630	1,700	1,770	6	36.23	8.45
HR78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,510	1,570	1,640	1,700	1,770	1,840	6½	36.98	8.80
IR78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,720	1,790	1,860	1,930	2,000	6½	37.66	9.00
JR78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,930	2,000	2,070	6½		
LR78-15	1,340	1,430	1,520	1,600	1,680	1,760	1,840	1,920	2,000	2,080	2,160	2,240	6½		

¹ The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

by more than 7 percent.

Changes: New tire sizes: AR78-13, CR78-13, BR78-14, AR78-15.

² Actual section width and overall width shall not exceed the specified section width

TABLE I-R
(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" RADIAL PLY TIRES

Tire size ¹ designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)												Test rim width (inches)	Minimum size factor (inches)	Section ² width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38			
FR60-15	1,020	1,090	1,160	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,610	1,670	7	35.02	9.30
GR60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,790	7	35.76	9.55
HR60-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,720	1,790	1,860	1,930	2,010	7	36.70	10.05

¹ The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

² Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: New tire size: HR 60-15.

In Appendix A—Motor Vehicle Safety Standard No. 110, Tire Selection and Rims—Passenger Cars:

1. Delete Table I of Appendix A and insert the following new Table I of Appendix A.

§ 571.21 Federal Motor Vehicle Safety Standards.

TABLE—I
(AMENDMENT NO. 19)

Tire size ¹	Rim ²
Table I-A:	
6.00-13	5-JJ, 6-JJ.
7.35-14	6-JJ.
6.85-15	4½-JJ, 5½-JJ.
7.00-15	5.00F, 5-K.
8.25-15	5-JJ, 5½-JJ, 6-JJ, 6-K, 6-L.
8.55-15	5½-JJ, 6-JJ, 6-K, 6-L, 6½-JJ.
8.90-15	6-JJ, 6½-L, 7-L.
9.15-15	5½-JJ, 5½-K.
1.84-15	5½-JJ, 6-JJ, 6½-JJ, 7-JJ.
Table I-B:	
A70-13	5-JJ, 5½-JJ, 6-JJ.
D70-13	5½-JJ, 5½-K.
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
C70-15	7-JJ, 7½-K, 8-JJ.
E70-15	7-JJ, 8-JJ.
F70-15	8-JJ.
G70-15	7-JJ, 7½-K, 8-JJ.
H70-15	8-JJ.
Table I-C:	
4.80-10	3.50D.
5.60-14	4½-JJ.
6.40-15	4-JJ, 4½-JJ, 4½-K, 4.50E, 5.00E, 5-JJ, 5-K, 5½-JJ, 5-K, 5½-JJ.

Tire size ¹	Rim ²
155-13/	
6.15-13	5-JJ.
175-13/	
6.95-13	5½-JJ.
5.0-15	3.50B, 3.50D, 3½-JJ, 4-JJ, 4.00C.
5.5-15	3.50D, 3½-JJ, 4-JJ, 4½-JJ.
Table I-D:	
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	4½-JJ.
135-15	4½-JJ.
185-15	4½-JJ.
Table I-E:	
6.2-13	4½-JJ.
6.5-13	4½-JJ, 5-JJ.
Table I-F:	
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	4-JJ.
5.60-15	5-K.
Table I-G:	
DR70-13	5½-JJ.
CR70-14	5½-JJ.
DR70-14	6-JJ, 6½-JJ, 6½-K.
FR70-14	5½-JJ, 6½-JJ, 7-JJ, 8-JJ.
ER70-15	6-JJ, 6½-JJ, 7-JJ.
FR70-15	6½-JJ, 7-JJ, 7½-K, 7½-L.
GR70-15	6½-JJ, 7-L, 7½-K, 8-K, 8½-L.
HR70-15	6-JJ.
JR70-15	6-JJ.
LR70-15	6-JJ.
Table I-H:	
155 R 12	4-JJ.
135 R 13	4½-JJ.
145 R 13	4½-JJ, 4.50B.
155 R 13	4.50B, 5-JJ.
165 R 13	4-JJ, 4.50B.
175 R 13	4-JJ, 5½-JJ.
165 R 14	5½-JJ.
175 R 14	4½-JJ.
205 R 14	7½-K.
135 R 15	4½-JJ.

Tire size ¹	Rim ²
165 R 15	5-JJ, 5-K, 5½-JJ.
205 R 15	6½-L, 7-L, 7½-K.
Table I-J:	
A78-13	4-JJ, 4½-JJ, 5-JJ, 5½-JJ, 6-JJ.
B78-13	5-JJ.
C78-13	5½-JJ.
D78-13	5½-JJ.
B78-14	4½-JJ, 4½-K, 5-JJ, 5-K, 5½-JJ.
C78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ.
D78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ.
E78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6½-JJ, 7-JJ.
F78-14	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6½-JJ, 7-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, 6-JJ, 6-K, 7-JJ.
H78-14	5½-JJ, 6-JJ, 6-K, 6½-JJ, 6½-K, 7-JJ.
J78-14	6-JJ, 6-K, 6½-JJ.
A78-15	4½-JJ.
C78-15	4½-JJ, 4½-K, 5-JJ, 5-K.
D78-15	5-JJ, 5-K.
E78-15	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ.
G78-15	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 7-JJ.
H78-15	5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 6½-K, 6½-JJ, 7-JJ.
J78-15	5½-JJ, 6-JJ, 6-K, 6-L, 6½-JJ, 7-JJ.
L78-15	5½-JJ, 5½-K, 6-JJ, 6-K, 6½-JJ, 7-JJ, 8-JJ.
N78-15	6-JJ, 7-JJ.

Tire size*	Rim ^{1,2}
Table I-K:	
E60-14.....	7-JJ.
F60-14.....	7-JJ.
G60-14.....	7-JJ.
H60-14.....	7½-JJ.
J60-14.....	6½-JJ, 7-JJ.
L60-14.....	8-JJ.
E60-15.....	6-JJ, 7-JJ, 8-JJ.
F60-15.....	6½-JJ, 7-JJ, 8-JJ.
G60-15.....	7-JJ, 8-JJ.
H60-15.....	7-JJ.
J60-15.....	7½-JJ.
L60-15.....	7½-JJ.

Table I-L:	
E50C-16.....	3½.
F50C-16.....	3½.
G50C-17.....	3½.
H50C-17.....	3½.
L50C-18.....	3½. ⁴

Table I-M:	
AR78-13.....	4½-JJ.
BR78-13.....	4½-JJ.
CR78-13.....	5-JJ.
BR78-14.....	4½-JJ.
CR78-14.....	5-JJ.
DR78-14.....	5-JJ.
ER78-14.....	5-JJ.
FR78-14.....	5½-JJ.
GR78-14.....	6-JJ.
HR78-14.....	6-JJ.
JR78-14.....	6½-JJ.
AR78-15.....	4½-JJ.
BR78-15.....	4½-JJ.
FR78-15.....	4½-JJ.
ER78-15.....	5½-JJ.
GR78-15.....	6-JJ.
HR78-15.....	5½-JJ, 6-JJ.
JR78-15.....	6-JJ, 6½-JJ.
LR78-15.....	6-JJ, 6½-JJ.

Table I-N:	
165/70 R 13..	4½-JJ, 5-JJ.
175/70 R 13..	5-JJ, 5½-JJ.
185/70 R 13..	4½-JJ, 5-JJ, 5½-JJ.
195/70 R 13..	5½-JJ, 6-JJ.
155/70 R 14..	4-JJ.
185/70 R 14..	4½-JJ, 5-JJ, 5½-JJ.
195/70 R 14..	5½-JJ, 6-JJ.
175/70 R 15..	5-JJ.
185/70 R 15..	5-JJ, 5½-JJ, 6-JJ.

Table I-O:	
140 R 12.....	4.00, 400-B, 4-JJ, 4.50, 4.50-B, 4½-JJ.
150 R 13.....	3½-JJ, 4.00B, 4½-JJ, 5-JJ.
160 R 13.....	4.00B, 4½-JJ, 5-JJ, 5½-JJ.
170 R 13.....	4½-JJ, 5-JJ, 5½-JJ, 6-JJ.

Table I-P:	
G45C-16.....	5.
Table I-R:	
FR60-15.....	7-JJ, 8-JJ.
GR60-15.....	7-JJ, 8-JJ.
HR60-15.....	7-JJ.

Table I-S:	
185/60 R 13..	5-JJ, 5½-JJ.

NOTES

- ¹ Underline designations denote Test Rims.
² Where JJ rims are specified in the above Table J and JK rim contours are permissible.
³ Table designations refer to tables listed in Appendix A of FMVSS No. 109.

CHANGES

Table I-G:	
DR70-13, rim 5½-JJ added.	
CR70-14, rim 5½-JJ added.	
GR70-15, rim 8-K and 8½-L added.	
JR70-15, rim 6-JJ added.	
LR70-15, rim 6-JJ added.	

Table I-H:	
175R13, rim 4-JJ and 5½-JJ added.	

Table I-J:	
D78-13, rim 5½-JJ added.	
A78-15, rim 4½-JJ added.	

Table I-K:	
E60-14, rim 7-JJ added.	
H60-14, rims 6½-JJ and 7-JJ added.	

CHANGES—Continued

Table I-M:	
AR78-13, rim 4½-JJ added.	
CR78-13, rim 5-JJ added.	
BR78-14, rim 4½-JJ added.	
AR78-15, rim 4½-JJ added.	

Table I-R:	
FR60-15, rim 8-JJ added.	
GR60-15, rim 8-JJ added.	
HR60-15, rim 7-JJ added.	

[FR Doc.71-7465 Filed 6-1-71;8:45 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Correction

In F.R. Doc. 71-6944 appearing at page 9069 in the issue of Wednesday, May 19, 1971, in the third line of amendatory paragraph 4. In the third column on page 9070 the figure "2" appearing in quotes should read "12".

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER F—AID TO FISHERIES

PART 253—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

On page 18975 of the FEDERAL REGISTER of December 15, 1970, there was published a notice of proposed rule making setting forth amended procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation under the authority of the Commercial Fisheries Research and Development Act, 78 Stat. 197, as amended, at 82 Stat. 957, 16 U.S.C. 779 et seq. (Public Law 88-309), and Reorganization Plan Number 4 of 1970.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amended regulations to the Director, National Marine Fisheries Service, Washington, D.C. In addition, every State commercial fishery agency was independently notified. Very few comments were received; however, interest was expressed for clarification of the requirement for State matching funds. Accordingly, this was accomplished through a supplemental notice of proposed rule making published on page 4506 of the FEDERAL REGISTER of March 6, 1971. This supplemental notice provided 30 days for comments, suggestions, or objections by interested persons and also an additional 30 days for such comments, suggestions, or objections regarding the notice of proposed rule making published in the FEDERAL REGISTER on December 15, 1970. Every State commercial fishery agency was independently notified. No comments from State fishery administrators following publication of

the supplemental notice on March 6, 1971, have been received. Other comments do not require revision.

Therefore, all comments having been fully considered and no other changes being deemed necessary, the part as so proposed is hereby adopted. These regulations are effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of Commerce.

ROBERT M. WHITE,
Administrator.

MAY 27, 1971.

Sec.	
253.1	Definitions.
253.2	Interpretation of the authorization.
253.3	General provisions.
253.4	Use of funds.
253.5	Environment.
253.6	Water pollution control.

AUTHORITY: The provisions of this Part 253 are issued under section 8 of the Commercial Fisheries Research and Development Act of 1964, 78 Stat. 199 (16 U.S.C. 779f), as modified by Reorganization Plan No. 4 of 1970, effective Oct. 3, 1970 (35 F.R. 15627).

§ 253.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives.

(b) *Act.* The Commercial Fisheries Research and Development Act of 1964, Public Law 88-309, 78 Stat. 197, as amended by Public Law 90-551, 82 Stat. 957 (16 U.S.C. 779 et seq.).

(c) *Cooperator.* A State agency participating in a cooperative agreement with the Secretary.

(d) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(e) *Cooperative agreement.* The contract for research and development activities to be carried on as provided by the Act and these regulations. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs, the term of the agreement, and such other provisions as may be appropriate.

(f) *Aquatic plants and animals.* All animals and plants growing or living in or upon water, including finfish, shellfish, and other marine invertebrates, fur seals, whales and other marine mammals, frogs, turtles, and algae.

(g) *Commercial fisheries resources.* Any aquatic plant or animal available or potentially available for harvesting with the primary intent of commercial use as either raw or manufactured products.

§ 253.2 Interpretation of the authorization.

The terms used in the Act to describe the authorization to the Secretary for program and apportionment purposes are construed to be limited to the meanings ascribed in this section.

(a) *Research and development.* The words "research and development" mean

program of work, including construction and acquisition, designed to acquire knowledge of commercial fisheries resources and their environment and to develop and apply methods and techniques to enhance such commercial fisheries resources including their harvest, conservation, and utilization.

(b) *Raw fish harvested by domestic commercial fishermen and received within a State.* The words "raw fish harvested by domestic commercial fishermen and received within a State" mean aquatic plants and animals harvested by individuals, associations, partnerships or corporations resident in and authorized to do business in any State and engaged in harvesting of commercial fisheries resources or the processing and manufacturing of products therefrom. Aquatic plants and animals are received within a State when transferred from a catcher vessel within the jurisdiction of a State or permanently removed from a fish production facility.

(c) *Manufactured and processed fishery merchandise.* The words "manufactured and processed fishery merchandise" mean commercial fisheries resources or parts thereof after undergoing a change(s) contributing to or achieving a condition of readiness for sale.

(d) *Developing a new commercial fishery.* The words "developing a new commercial fishery" mean establishing a commercial fisheries resource not common to or being utilized in a State.

(e) *Commercial fishery failure due to a resource disaster arising from natural or undetermined causes.* The words "commercial fishery failure due to a resource disaster arising from natural or undetermined causes" mean a serious disruption of a commercial fisheries resource affecting present or future productivity. It does not include inability to sell raw fish or manufactured and processed fishery merchandise.

(f) *State.* The word "State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

§ 253.3 General provisions.

(a) *Designation of State agency.* The Governor of each State shall notify the Secretary which agency of the State government is authorized under its laws to regulate commercial fisheries and is designated to submit project proposals and to enter into cooperative agreements. An official of such agency shall certify as to the official(s) authorized in accordance with State law to commit the State to participation under the Act, to sign project documents, and to receive payments. The Secretary shall be advised promptly of any changes made in such authorizations.

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for commercial fishery research and development activities shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to commercial fishery research and development programs. No project proposal which involves a reduction of State funds previously dedicated to commercial fishery research and development activities will be approved.

(c) *Cooperative agreement.* (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidenced by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Prosecution of work.* (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(e) *Economy and efficiency of operations.* No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

(f) *Subcontracts.* In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

§ 253.4 Use of funds.

(a) *Apportionment and obligation of subsection 4(a) funds.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain available to it for obligation un-

til the end of the succeeding fiscal year, and if unobligated at that time, such funds shall be returned to the Treasury of the United States.

(b) *Use of authorized funds for commercial fisheries resource disaster.* (1) The Secretary shall cause to be published in the FEDERAL REGISTER a notice that a commercial fisheries resource disaster exists at the time such a finding is made. After such publication, project proposals for restoration of commercial fisheries resources affected by a resource disaster will be given preference over other project proposals with respect to the use of funds obtained under subsection 4(b) of the Act.

(2) Federal funds may be used for 100 percent of the cost of a project proposal if all the funds are obtained from appropriations authorized under subsection 4(b) of the Act.

(3) In the event that no commercial fisheries resource disaster has occurred, the Secretary may, if he deems such action to be in furtherance of the purposes of the Act, approve project proposals for funding under subsection 4(b) of the Act from funds carried over from previous fiscal years: *Provided, however,* That no project proposal from a State will be funded under this subsection until that State has obligated all available apportioned funds, if any, obtained from appropriations authorized under subsection 4(a) of the Act.

(c) *Use of funds for developing a new commercial fishery.* (1) Project proposals related to the development of a new commercial fishery may be approved only after the Secretary determines that such proposals will reasonably accomplish the development of a new commercial fisheries resource within the State.

(2) With respect to project proposals under this subsection, the Secretary may finance 100 percent of the cost of project proposals.

(3) A project proposal for the development of a new commercial fisheries resource may be approved without any requirement that the State submitting the project proposal has obligated all apportioned funds, if any, obtained from appropriation authorized under subsection 4(a) of the Act.

§ 253.5 Environment.

Projects contracted for shall be performed in such a manner so as to be consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 253.6 Water pollution control.

In the performance of work under a cooperative agreement the State shall take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

[FR Doc.71-7621 Filed 6-1-71;8:48 am]

PART 254—CONTROL OR ELIMINATION OF JELLYFISH

On page 18977 of the *FEDERAL REGISTER* of December 15, 1970, there was published a notice of proposed rule making setting forth amended procedures to be used by the Secretary in providing financial assistance to State agencies for the control or elimination of jellyfish and other such pests and control of floating seaweed under the authority of the Jellyfish Act, 80 Stat. 1149, as amended, at 84 Stat. 922, 16 U.S.C. 1201 et seq. (Public Law 89-720), and Reorganization Plan Number 4 of 1970.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to that proposed amended regulations to the Director, National Marine Fisheries Service, Washington, D.C. In addition, every State commercial fishery agency was independently notified. Comments were not received from State agencies although three other interests inquired about program emphasis, objectives, and eligible activities. Revision of proposed regulations was not required. It was deemed advisable in the interests of clarity and uniformity to revise the requirements for State matching funds. Accordingly, this was accomplished through a supplemental notice of proposed rule making published on page 4506 of the *FEDERAL REGISTER* of March 6, 1971. This supplemental notice provided 30 days for comment, suggestions, or objections by interested persons and also an additional 30 days for such comments, suggestions, or objections regarding the notice of proposed rule making published in the *FEDERAL REGISTER* on December 15, 1970. Every State commercial fishery agency was independently notified. No comments from State fishery administrators or others following publication of the supplemental notice on March 6, 1971, have been received.

Therefore, in the absence of comments and changes are not being deemed necessary the part as so proposed is hereby adopted. These regulations are effective upon publication in the *FEDERAL REGISTER*.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of Commerce.

ROBERT M. WHITE,
Administrator.

MAY 27, 1971.

- Sec.
- 254.1 Definitions.
- 254.2 Funding priorities.
- 254.3 General provisions.
- 254.4 Availability of funds.
- 254.5 Use of funds.
- 254.6 Environment.
- 254.7 Water pollution control.
- 254.8 New work requirement.

AUTHORITY: The provisions of this part 254 are issued under 80 Stat. 1149 (16 U.S.C. 1201 et seq.), as modified by Reorganization Plan No. 4 of 1970, effective Oct. 3, 1970 (35 F.R. 15627).

§ 254.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of Commerce or his authorized representatives.

(b) *Act.* Public Law 89-720, 80 Stat. 1149, as amended by Public Law 91-451, 84 Stat. 922 (16 U.S.C. 1201 et seq.).

(c) *State.* Any coastal State of the United States and the Commonwealth of Puerto Rico.

(d) *State agency.* The department(s), division(s), or commission(s) of a State empowered under its laws to manage or administer fish and shellfish resources or water-based recreation programs.

(e) *Cooperator.* A State agency participating in a cooperative agreement with the Secretary.

(f) *Coastal waters.* For the purpose of this Act, coastal waters include all or part of the mouth of a navigable or interstate stream or body of water, bays, sounds, lagoons, channels, estuaries, and other such waters.

(g) *Jellyfish.* Commonly known as "sea nettle," belonging to the phylum Coelenterata.

(h) *Other such pests.* All other species belonging to the phyla Coelenterata and Ctenophora which adversely affect fish, shellfish or water-based recreation.

(i) *Floating seaweed.* Marine plants including marine algae.

(j) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion, and such other information as may be required by the Secretary.

(k) *Cooperative agreement.* The contract for research, control, or elimination of jellyfish and other such pests or the control of floating seaweed to be carried on as provided by the Act and these regulations. Such agreement shall set forth the terms and conditions binding upon the cooperator and the Secretary, including the objectives, procedures, costs, the term of the agreement, and such other provisions as may be appropriate.

§ 254.2 Funding priorities.

Funding priorities shall be given to those activities having the greatest potential for controlling or eliminating jellyfish and other such pests for the purposes of conserving and protecting the fish and shellfish resources in coastal waters.

§ 254.3 General provisions.

(a) *Designation of State agency.* A State agency authorized under its laws to manage or administer fish or shellfish resources or water-based recreational programs may submit project proposals and enter into cooperative agreements with the Secretary.

(b) *Project proposal.* (1) A project proposal shall be submitted for each proposed project for approval by the Secretary. An approved project proposal shall

not be binding on the parties until incorporated in a cooperative agreement.

(2) Project proposals utilizing an allocation of State funds additional to amounts previously allocated by the State for the control or elimination of jellyfish and other such pests in coastal waters and for research on control of floating seaweed in such waters shall be preferred over project proposals utilizing an allocation of State funds which do not involve an increase of State funds dedicated to such programs. No project proposal which involves a reduction of State funds previously dedicated to such programs will be approved.

(c) *Cooperative agreement.* (1) After the Secretary has approved a project proposal, activities to be undertaken by the cooperator and the obligation of Federal funds shall be evidence by a cooperative agreement executed by the cooperator and the Secretary. Such agreement may be amended by mutual consent of the parties.

(2) The cooperative agreement shall contain applicable provisions as required by Federal law and regulations. These provisions are identified in the Federal Aid for Fisheries Handbook, the most recent version of which may be obtained from the Director, National Marine Fisheries Service.

(d) *Prosecution of work.* (1) The prosecution of work by the cooperator shall be performed in a manner acceptable to the Secretary. Unsatisfactory performance shall be cause for the Secretary to withhold payments. Cooperative agreements may be terminated or suspended upon determination by the Secretary that satisfactory progress has not been maintained.

(2) All work shall be performed in accordance with applicable State laws except when such laws are in conflict with Federal laws or regulations, in which case such Federal law or regulations shall prevail.

(e) *Economy and efficiency of operations.* No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency, including the avoidance of undesirable duplication, in the completion of a project.

(f) *Subcontracts.* In the performance of work under a cooperative agreement, subcontracts shall be solicited and awarded according to the laws and regulations of the State provided the Secretary is satisfied that adequate steps have been taken to insure economical and efficient services and impartial selection of subcontractors.

§ 254.4 Availability of funds.

Language appearing in Appropriation Acts providing funds for this program will govern the period during which the funds may be obligated.

§ 254.5 Use of funds.

(a) *Apportionment and obligation of Jellyfish funds.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify the States through publication in the FEDERAL REGISTER of the amount of funds authorized under the Act to carry out the purpose of the Act. Federal funds are tentatively made available for obligation for a specified period within the fiscal year in which appropriated. If the total or any portion thereof is unobligated at the end of this allocation period, such funds may be withdrawn and reallocated for obligation.

(b) *Administrative funds.* The National Marine Fisheries Service will finance its administrative cost from the appropriation made available by the Act. This administrative cost shall not exceed eight (8) percent of the appropriation.

(c) *Level of Federal funding.* Cost of activities under cooperative agreements shall be borne equally by the Federal Government and by the Cooperator. Eligible Cooperator matching funds are those available to the Cooperator agency from any non-Federal source.

§ 254.6 Environment.

Projects contracted for shall be performed in such a manner so as to be consistent with the policies set forth in the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.).

§ 254.7 Water pollution control.

In the performance of work under a cooperative agreement the State shall take such action as is necessary to avoid pollution of water as a direct or indirect result of a contract activity. Water quality must be maintained at a level consistent with applicable water quality standards.

§ 254.8 New work requirement.

Project proposals shall set forth undertakings which constitute activities in addition to current programs. It is desirable that projects represent entirely new undertakings. However, expansion of existing programs for control or elimination of jellyfish and other such pests in coastal waters and research on control of floating seaweed in such waters is satisfactory provided such existing programs are not reduced insofar as the cooperator's financial participation is concerned.

[FR Doc.71-7622 Filed 6-1-71;8:48 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 103, Amdt. 1]

PART 381—CARGO PREFERENCE— U.S.-FLAG VESSELS

Fair and Reasonable Participation

In F.R. Doc. 71-3503, appearing in the FEDERAL REGISTER issue of March 11, 1971 (36 F.R. 4707), notice was given that, pursuant to section 27 of the Merchant Marine Act of 1970, Public Law 91-469, the Assistant Secretary of Commerce for Maritime Affairs had under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to the Act, to insure a fair and reasonable participation by U.S.-flag commercial vessels in liner parcel cargoes subject to the Act.

Interested persons were given an opportunity to participate in the proposed rule making through the submission of comments. Pursuant to the notice, a number of comments have been received from steamship lines and other interested persons, and due consideration has been given to all relevant material presented.

A majority of the comments expressed agreement with the purpose of the proposed regulations to assure fair and reasonable participation by U.S.-flag vessels in liner parcel preference cargoes. Some questioned whether the concept of revenue per long ton is a realistic profit indicator, and felt that the proposed regulations were impractical and unnecessary. Some suggested that the participation should be calculated according to revenue per freight or payable ton rather than per long ton. Other comments indicated that the use of the word "formal procedure" to express the mechanism to be prescribed by the shipper agencies to insure compliance with the participation standard might be misunderstood.

In view of the comments received, the proposed regulations have been revised by deleting the words "formal procedure" and inserting in lieu thereof the words "regulations or formal staff instructions". It was decided, however, to keep the measurement of participation based on revenue per long ton. That standard of measurement assures equitable partici-

pation by U.S.-flag vessels, and, so long as it is applied to all liner parcel carriers, it will not result in one flag carrying only weight cargo and another carrying all measurement cargo. It will also facilitate and expedite reporting cargo preference activities to the Maritime Administration as required by the regulations under part 381 issued April 8, 1971 (36 F.R. 6894), because weight figures are universally cited on all shipping papers, whereas measurement or payable ton figures are not often noted on such documents.

In consideration of the foregoing, Part 381, Title 46, Chapter II, Code of Federal Regulations, is hereby amended to reflect the following changes:

1. Amend § 381.2 *Definitions* by adding a new paragraph reading as follows:

§ 381.2 Definitions.

(e) "Liner parcel" means any cargo, dry or liquid, normally carried under berth terms by common carriers in ocean trades.

2. Add a new section reading as follows:

§ 381.4 Fair and reasonable participation.

In order to insure a fair and reasonable participation by U.S.-flag commercial vessels in liner parcel cargoes subject to the Cargo Preference Act of 1954, as required by that Act, the head of each department or agency having responsibility under that Act shall prescribe regulations or formal staff instructions providing for the cargo mix of liner parcel cargoes transported on ocean vessels to be divided between privately owned U.S.-flag vessels and foreign-flag vessels in such a manner as to yield to the U.S.-flag vessels freight revenue per long ton at least equal to the freight revenue per long ton afforded the foreign-flag vessels participating in the same grant, loan, or purchase transaction. A copy of the regulations or staff instructions prescribed by each department or agency shall be furnished to the Secretary, Maritime Administration, no later than June 30, 1971, for approval.

Effective date. These regulations shall become effective as of July 1, 1971.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

Dated: May 27, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71-7707 Filed 6-1-71;9:08 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 944]

IMPORTS OF AVOCADOS

Notice of Proposed Rule Making

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the importation of any avocados into the United States, pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). This proposed import regulation is designed to prescribe size, quality, and maturity requirements which would be comparable to the proposed domestic regulation for avocados grown in the State of Florida, which would become effective June 14, 1971. This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 944.11 Avocado Regulation 19.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 14, 1971, through April 30, 1972, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 5, 1971; (ii) from July 5, 1971, through July 12, 1971, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{1}{16}$ inches in diameter; and (iii) from July 13, 1971, through July 26, 1971, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{1}{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 13, 1971; (ii) from September 13, 1971, through September 20, 1971, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 21, 1971, through October 4, 1971, unless the individual fruit in each such lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August

9, 1971; (ii) from August 9, 1971, through August 23, 1971, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{1}{16}$ inches in diameter; and (iii) from August 24, 1971, through September 6, 1971, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3\frac{1}{16}$ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties, and West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 5, 1971; (ii) from July 5, 1971, through July 11, 1971, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 12, 1971, through August 1, 1971, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from August 2, 1971, through August 29, 1971, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (v) from August 30, 1971, through September 19, 1971, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 20, 1971; (ii) from September 20, 1971, through October 17, 1971, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 18, 1971, through December 19, 1971, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is

hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 500 South Nebraska St., San Juan, TX 73859 (Phone—512-757-4091) or A. D. Mitchell, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ex. 540).	1 day. Do.
All New York points.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-921-7663 and 7669) or Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do. Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, AZ 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 533, Miami, FL 33136 (Phone—305-371-2671) or Hubert S. Flynt, 775 Warner Lane, Orlando, FL 32812 (Phone—305-841-2141) or Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, FL 32205 (Phone—904-354-6389).	Do. Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, CA 90012 (Phone—213-622-5760).	3 days.
All Louisiana points.	Pascal J. Lamarcia, 6027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70013 (Phone—504-527-6741 and 6742).	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-333-6570).	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;
(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this regulation are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (§§ 51.3050-51.3069 of this title). Importation means release from custody of the U.S. Bureau of Customs.

Dated: May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[FR Doc.71-7623 Filed 6-1-71; 8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-81]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 71-6939 appearing on page 9075 in the issue for Wednesday, May 19, 1971, the airspace docket number in the bracket should appear as set forth above.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19200]

STANDARD BROADCAST STATIONS

Specification and Measurements of Power; Order Extending Time for Filing Comments and Reply Com- ments

In the matter of amendment of Part 73 of the Commission's rules and regulations concerning the specification and measurements of power of Standard Broadcast Stations, RM-1628.

1. This proceeding was begun by notice of proposed rule making (FCC 71-352) adopted April 8, 1971, released April 13, 1971, and published in the FEDERAL REGISTER April 16, 1971, 36 F.R. 7260. The dates presently designated for filing comments and reply comments are May 21, 1971, and June 1, 1971, respectively.

2. On May 19, 1971, The Association of Federal Communications Consulting Engineers (AFCCE) filed a request to extend the time for filing comments for a period of 60 days. AFCCE states that at its annual meeting on April 23, 1971, the Commission's notice in this proceeding was discussed at some length, and it directed its Rules and Standards Committee to prepare comments for filing on its behalf. It further states that an additional 60 days is required to gather data and prepare such comments.

3. It appears that the additional time is warranted and would serve the public interest. Accordingly, it is ordered, That the request of the Association of Federal Communications Consulting Engineers is granted to and including July 21, 1971, for the filing of comments and August 2, 1971, for the filing of reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 313(r) of the Communications Act of 1934, as

amended, and § 0.281(d) (8) of the Commission's rules and regulations.

Adopted: May 21, 1971.

Released: May 24, 1971.

[SEAL]

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-7596 Filed 6-1-71; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 278]

EQUAL OPPORTUNITY IN SURFACE TRANSPORTATION

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of May 1971.

This proceeding is being instituted, on our own motion, to examine and consider whether discrimination because of race, color, religion, sex or national origin exists in the employment and other practices of carriers subject to our jurisdiction, whether any discrimination as may be found to exist is violative of the law, whether we have the jurisdiction to deal with any unlawful discrimination which we may find and whether we should promulgate rules and regulations or undertake some other program in this area.

It is to consider and explore generally the issues relating to equal opportunity in surface transportation that we institute the instant proceeding, and, therefore:

It is ordered, That based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of the National Transportation Policy, Parts I, II, III, and IV of the Interstate Commerce Act, and, more specifically, sections 2, 3(1), 12(1), 204(a) (1), (6) and (7), 216(d), 304(a), 305(c), 403 (a) and (e) and 404(b) thereof, 5 U.S.C. 553 and 559 to inquire into the foregoing; and

It is further ordered, That all carriers and other persons subject to our jurisdiction under the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding; and

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested person may participate in this proceeding by submitting for consideration written statements of facts, views and arguments on the subjects mentioned above;

or any other subjects pertaining to this proceeding; and

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before June 1, 1971, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed and that at the time of service of the service list the Commission will fix a time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this order be served upon all respondents and upon the Department of Justice, the Equal Employment Opportunity Commission, the U.S. Commission on

Civil Rights, Office of Minority Business Enterprises of the Department of Commerce, Contracts Compliance Division of the U.S. Postal Service and the Civil Rights Section of the Department of Transportation; that it also be served upon all parties to the proceeding in No. MC-C-7255; that a copy be mailed to the Governor of every state and to the Public Utilities Commissions or Boards of each state having jurisdiction over transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7725 Filed 6-1-71;8:50 am]

[49 CFR Ch. X]

[Ex Parte No. 278]

EQUAL OPPORTUNITY IN SURFACE TRANSPORTATION

Extension of Time

The date by which any person intending to participate in the above-captioned proceeding by submitting initial statements or reply statements to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, is extended to July 2, 1971. It should be noted that the provisions of Rule 73 of the Commission's general rules of practice (49 CFR 1100.73) are applicable to this proceeding.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7726 Filed 6-1-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 20, 1971.

The Forest Service, Department of Agriculture, has filed an application, Serial No. AA-6060, for withdrawal of the lands described herein from location and entry under the public mining laws. The withdrawal would designate the land as a road travel influence zone and recreation area, and the Forest Service desires that the tract be preserved in a near-natural condition because of its superlative scenic and recreational values. The land is being used by the public for sightseeing and during the summer season approximately 10,000 visits are made to the site. Future use of this area for picnicking, hunting, hiking, and camping is expected to increase and appropriation of the land under the mining laws would not be compatible with this use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in this application is described as follows:

CROW CREEK ROAD TRAVEL INFLUENCE ZONE
AND RECREATION AREA

CHUGACH NATIONAL FOREST

Seward Meridian, Alaska

T. 11 N., R. 2 E.,
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of
NE $\frac{1}{4}$ SW $\frac{1}{4}$ not included in patented M.S.
753, Crow Creek Mining Co.

Containing approximately 270 acres located 5 miles northeast of the new townsite of Girdwood, Alaska, on the Crow Creek Road.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71-7598 Filed 6-1-71; 8:46 am]

[Serial No. Idaho-09526]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 24, 1971.

Notice of an application Serial No. I-09526, for withdrawal and reservation of lands was published in 23 F.R. 6269 No. 159, of the issue for August 14, 1958. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2353, such lands will be at 10:00 a.m. on June 9, 1971 relieved of the segregative effect of the above-mentioned application.

NEZPERCE NATIONAL FOREST
BOISE MERIDIAN, IDAHO

Jim Moore Administrative Site-Landing Field

T. 25 N., R. 9 E. (Unsurveyed, but when surveyed probably will be)
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate about 70 acres in Idaho County.

E. D. BARNES,
Acting Chief,

Division of Technical Services.

[FR Doc.71-7637 Filed 6-1-71; 8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[492.122]

METALIZED VINYL TINSEL GARLAND

Tariff Classification

Metalized vinyl tinsel garland, approximately 3 inches wide, produced by

cutting metallized film in lengths to simulate cedar and pine needles, which are entwined in one operation at the time of cutting around a cotton or wire core so as to give the effect of 1½-inch needles branching off from a stem, appears to be classifiable under item 772.95, Tariff Schedules of the United States (TSUS), as Christmas tree ornaments, of plastics, and dutiable at the rate of 15 percent ad valorem.

This classification appears to be necessary because merchandise of this description is chiefly used to decorate Christmas trees.

Pursuant to section 16.10a(c) of the Customs Regulations (19 CFR 16.10a(c)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying metallized vinyl tinsel garland as other Christmas decorations, of plastics, under item 772.97, TSUS, with duty at the rate of 10 percent ad valorem.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

Heavier constructed metallized vinyl tinsel garland having simulated cedar and pine needles measuring approximately 4 inches is not affected by this notice and remains classifiable under item 772.97, TSUS, as other Christmas ornaments of plastics.

[SEAL]

MYLES J. AMBROSE,
Commissioner of Customs.

Approved: May 13, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-7611 Filed 6-1-71; 8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF CERTAIN TANKERS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs of the construction of tankers of about 225,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations

may file written statements by the close of business on June 15, 1971, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: May 26, 1971.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7629 Filed 6-1-71; 8:48 am]

CONSTRUCTION OF CERTAIN TANKERS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs of the construction of tankers of about 37,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 15, 1971, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: May 26, 1971.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7630 Filed 6-1-71; 8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration.

WALLERSTEIN CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2655) has been filed by Wallerstein Co., Division of Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Ill. 60053, proposing that § 121.1199 *Fermentation-derived, milk-clotting enzyme* (21 CFR 121.1199) be amended to provide for the safe use in cheese production of a milk-clotting enzyme derived from *Mucor miehei* (Cooney and Emerson) by a pure culture fermentation process.

Dated: May 24, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-7592 Filed 6-1-71; 8:45 am]

MONSANTO CO.

Notice of Withdrawal of Petition Regarding Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (FAP OB2474), notice of which was published in the FEDERAL REGISTER of December 24, 1969 (34 F.R. 20225), proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for additional safe use of butyl benzyl phthalate, alone or in combination with other phthalates, as a plasticizer in polyvinyl chloride, polyvinylidene chloride, and polyvinyl acetate film and sheet that contact food at temperatures not to exceed room temperature provided that total phthalates, calculated as phthalic acid, do not exceed 10 percent by weight of the finished film or sheet.

Dated: May 24, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-7593 Filed 6-1-71; 8:45 am]

[Docket No. FDC-D-149; NADA No. 2-586V etc.]

PITMAN-MOORE, INC., ET AL.

Drugs Containing N-Butyl Chloride; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing on the proposal to withdraw approval of certain NADA's (new animal drug applications) for drugs containing *n*-butyl chloride was published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3150). This proposal was made on the grounds that there is a lack of substantial evidence that the drugs are effective for their recommended use in removing whipworms in dogs.

Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, holder of NADA No. 2-586V for the drug Bu-chlorin, responded to said notice of opportunity for a hearing by advising the Commissioner of Food and Drugs that the drug has been discontinued and that they have elected to waive the opportunity for a hearing.

S. Pfeiffer Manufacturing Co., 3949 Laclede Avenue, St. Louis, Mo. 63108, holder of NADA No. 3-625V (Lynn's Dog Caps) and NADA No. 3-626V (Lynn's Puppy Caps), and Gabriel's Products Co., Tell City, Ind. 47586, holder of NADA No. 3-716V (Gabriel's Dog Capsules and Gabriel's Puppy Capsules), did not file a written appearance electing to avail themselves of the opportunity for a hearing. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

The Commissioner, on the basis of his evaluation of new information before him with respect to said drugs together with the evidence available to him when the applications were approved, finds that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

On the basis of the grounds set forth, the Commissioner concludes that approval of said NADA's should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 2-586V, NADA No. 3-625V, NADA No. 3-626V, and NADA No. 3-716V including all amendments and supplements thereto is hereby withdrawn effective on the date of the signature of this document.

Dated: April 26, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7595 Filed 6-1-71; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

MOTOR VEHICLE SAFETY STANDARDS

Interpretation Regarding Limits on State Enforcement Procedures

The Japan Automobile Manufacturers Association has brought to the attention of the NHTSA, in a petition for reconsideration of Standard No. 209, some leadtime problems that may be caused by the safety standard enforcement practices of some of the States. These States require manufacturers to submit samples of motor vehicle equipment covered by one of the standards, such as seat belt assemblies, to a State-authorized test laboratory. The test reports from the laboratory are then submitted to a State agency or an outside agency such as the American Association of Motor Vehicle Administrators, which issues an "approval" to the manufacturer. The problem arises in cases where the State does not permit the manufacturer to sell the equipment in that State until the approval is received. If the leadtime between the issuance of a standard or amendment and its effective date is fairly short, the manufacturer may not have time to prepare and submit samples and to obtain the State-required approval before the effective date of the standard. Thus, the manufacturer may be prohibited from selling his product in the State on and after the effective date, even though it fully complies with all applicable Federal standards and regulations.

The substantive relationship between Federal and State safety standards was established by Congress in section 103(d) of the National Traffic and Motor Vehicle Safety Act, which provides:

Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal Standard.

Although this section makes it clear that State standards must be "identical" to the Federal standards to the extent of the latter's coverage, the procedural relationship between State and Federal enforcement of the standards is not explicitly stated in the Act. It has been the position of this agency that the Act permits the States to enforce the standards, independently of the Federal enforcement effort, since otherwise there would have been no reason for the Act to allow the States to have even "identical" standards. The question raised by the JAMA petition is to what extent the States may utilize an enforcement scheme that differs from the Federal one established by the Act.

The basic structure of the Act places the burden of conformity to the standards on the manufacturers, who must exercise due care to determine that all their products comply with applicable standards (Sections 103, 108, 15 U.S.C. 1392, 1397). They must certify each vehicle and item of covered equipment as conforming to the standards (section 114, 15 U.S.C. 1403). No prior approval of a manufacturer's products is provided for or contemplated by the Act. The NHTSA does not issue such approvals, but tests the products after they come onto the market to determine whether they conform. Thus, the effective date of a standard is established on the basis of time it will take manufacturers to design and prepare to produce a vehicle or item of equipment, and is not intended to allow time for obtaining governmental approval after production begins.

In this light, a State requirement of obtaining prior approval before a product may be sold conflicts with the Federal regulatory scheme. The legislative history does not offer specific guidance on the question, except for general statements such as the following by Senator Magnuson:

Some States have more stringent laws than others, but concerning the car itself we must have uniformity. That is why the bill suggests to States that if we set a minimum standard, a car complying with such standard should be admitted to all States. 1112 Cong. Rec. 13585, June 24, 1966.

[We have provided in the bill for foreign cars, that they must comply with the standards; and we have even allowed them to come in under a free-port arrangement, where, if they are not in compliance, dealers can bring them up to the standard. 112 Cong. Rec. 13587, June 24, 1966.]

It is true that Senator Magnuson in the above statements was not directly con-

sidering the question of State enforcement. But Congress does not appear to have contemplated the existence of State procedures that would restrict the free movement of vehicles and equipment, or place significant burdens on the manufacturers, in areas covered by the Federal standards, beyond those imposed by the standards themselves.

It is the position of this agency, therefore, that under the Act and the regulatory scheme that has been established by its authority a State may not regulate motor vehicles or motor vehicle equipment, with respect to aspects of performance covered by Federal standards, by requiring prior State approval before sale or otherwise restricting the manufacture, sale, or movement within the State of products that conform to the standards. This interpretation does not preclude State enforcement of standards by other reasonable procedures that do not impose undue burdens on the manufacturers, including submission of products for approval within reasonable time limits, as long as manufacturers are free to market their products while the procedures are being followed, as they are under the Federal scheme.

Issued on May 13, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-7616 Filed 6-1-71;8:47 am]

Office of the Secretary NATIONAL RAILROAD PASSENGER CORPORATION

Delegation of Authority To Act as Director

Pursuant to section 303(a) of the Rail Passenger Service Act, the President has appointed me as a director of the National Railroad Passenger Corporation. Under the provisions of that Act, the Secretary is authorized to appoint a delegate to carry out his functions. Therefore, John P. Olsson, Deputy Under Secretary of Transportation, is hereby delegated authority to act for me as a Director of the National Railroad Passenger Corporation when I am not present at meetings of the Board of Directors. David W. Oberlin, Administrator, St. Lawrence Seaway Development Corporation, is hereby delegated authority to act for me as Director of the National Railroad Passenger Corporation when neither Mr. Olsson nor I are present at meetings of the Board of Directors.

This delegation is made under the authority of the Rail Passenger Service Act of 1970 (84 Stat. 1327) and section 9 of the Department of Transportation Act (80 Stat. 931, 49 U.S.C. 1657).

Issued in Washington, D.C., on May 22, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-7617 Filed 6-1-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21988, 22050; Order 71-5-131]

ALLEGHENY AIRLINES, INC., AND EASTERN AIR LINES, INC.

Order Regarding Temporary Suspension of Service at Wilmington, Del.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of May 1971.

Application of Allegheny Airlines, Inc., pursuant to Part 205 of the Board's economic regulations for a temporary suspension of service at Wilmington, Del., on Route 97. Application of Eastern Air Lines, Inc., pursuant to Part 205 of the Board's economic regulations for a temporary suspension of service at Wilmington, Del., on Routes 5 and 6.

By Order 70-9-104, dated September 21, 1970, the Board denied applications by Allegheny Airlines, Inc. (Allegheny), and Eastern Air Lines, Inc. (Eastern), for authority to temporarily suspend service at Wilmington, Del.¹ Both carriers have filed petitions for reconsideration of the Board's decision.

We have decided to defer action on the petitions for reconsideration pending informal discussions between the community, interested air carriers, and the Board's staff, with respect to the possibility of an investigation of the certification of additional and/or replacement air service at Wilmington, as set forth below.

In various pleadings filed in connection with Allegheny's and Eastern's requests for a suspension, it has been alleged that the incumbent carriers find it difficult to provide air service to Wilmington, in view of the proximity of Wilmington to Philadelphia International Airport. These allegations raise the possibility that Wilmington might best be served by a carrier, or carriers, which, unlike Eastern and Allegheny, do not now hold authority to serve Philadelphia, as well as Wilmington. A Wilmington carrier not also serving Philadelphia might have the maximum incentives to aggressively promote and develop air service to Wilmington. The authorization of a new carrier or carriers at Wilmington could make it possible to suspend or delete the authority of Allegheny and/or Eastern.

Before reaching a determination as to whether the foregoing considerations warrant the institution of an investigation of the certification of additional and/or replacement air service at Wilmington, we consider it desirable to hold informal discussions to ascertain the views of the Wilmington community and interested air carriers. These meetings will be held under the direction of the Board's Bureau of Operating Rights and Office of Community and Congressional Relations, and these Bureaus will make

¹ Allegheny and Eastern have also each filed separate applications seeking the deletion of Wilmington as a point on their route systems, now pending in Dockets 21987 and 22049, respectively.

further announcements as to time and place of the meetings and the agenda for discussion. The meetings will be open to the public and a transcript will be maintained.

Accordingly, it is ordered, that:

1. The Directors of the Bureau of Operating, Rights and of the Office of Community and Congressional Relations or their designees are authorized to conduct meetings to discuss whether the Board should institute an investigation to authorize additional and/or replacement air service at Wilmington, as set forth above;

2. Any meetings held under the authorization in paragraph 1 shall be open to all interested persons and a complete transcript shall be maintained;

3. The authority granted herein shall expire within 120 days of the effective date of this order; and

4. Copies of this order shall be served on all certificated air carriers and the city of Wilmington, Del.

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7632 Filed 6-1-71;8:49 am]

[Docket No. 23021]

CHINA AIRLINES CHARTER SERVICE APPLICATION

Notice of Postponement of Prehearing Conference and Hearing

Under date of May 24, 1971, counsel for the applicant requested that the prehearing conference and hearing be postponed until after the Board's decision in Docket 22362. Accordingly, the prehearing conference and hearing in this proceeding now assigned to be held on June 2, 1971, is hereby postponed until further notice.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[FR Doc.71-7633 Filed 6-1-71;8:49 am]

[Docket No. 22162]

COUNTY OF SULLIVAN, STATE OF NEW YORK, AND SULLIVAN COUNTY AIRPORT COMMISSION

Notice of Rescheduling of Prehearing Conference

Notice is hereby given that prehearing conference in the above-entitled proceeding previously indefinitely postponed is hereby rescheduled to be held on June 4, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., May 26, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-7634 Filed 6-1-71;8:49 am]

[Docket No. 22967]

EASTERN AIR LINES, INC.

Notice of Prehearing Conference Regarding Deletion of Bowling Green, Ky.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 18, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Louis W. Sornson.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates on or before June 14, 1971.

Dated at Washington, D.C., May 27, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-7635 Filed 6-1-71;8:49 am]

[Docket No. 23397]

EASTERN PROVINCIAL AIRWAYS LTD.

Notice of Prehearing Conference and Hearing Regarding Application for Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on June 15, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement before June 11, 1971.

Dated at Washington, D.C., May 26, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-7636 Filed 6-1-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19192 etc.; FCC 71-533]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Niagara Communications, Inc., for a Public Coast Class III-B radio station license at Salem, N.J., Docket No. 19192, File No. 1110-M-L-129; Radio Broadcasting Co. for a Public Coast Class III-B radio station license at Philadelphia, Pa., Docket No. 19193, File No. 357-M-L-120; and Robert L. Starer and (Mrs.) Anita Markovitz for a Public Coast Class

III-B radio station license at Westmont, N.J., Docket No. 19232, File No. 539-M-L-21.

1. On April 8, 1971, we designated for consolidated hearing the applications of Niagara Communications, Inc. (Niagara), and Radio Broadcasting Co. (Radio Broadcasting) for the facilities referred to above. Petitions to deny had been filed in the case of both applications, and we were unable to grant the applications without a hearing because of questions raised in the petitions including the question of need for new public coast stations in the area, and because of the possibility of mutually destructive electrical interference.

2. An additional application has been filed for a like class of station in the Philadelphia area by Robert L. Starer and (Mrs.) Anita Markovitz (Starer and Markovitz). This application is accompanied by a showing of asserted need for new public coast station facilities and proposes operation on the working frequencies 161.800, 161.825, and 161.850 MHz, which are the same three frequencies requested by Radio Broadcasting, and two of the same frequencies requested by Niagara. The application was on file, but was not completely processed, at the time we designated for hearing the applications of Niagara and Radio Broadcasting. The applicant proposes operation of a station with a transmitter in Westmont, N.J., and a control point at Moorestown, N.J. The transmitter point is across the Delaware River from Philadelphia and within the normal communication range of that city for radio stations of this class. The proposed system as described by the applicants, will provide manual and fully automatic service by direct dial, full-duplex calls between maritime units and landline stations initiated by either party when the maritime unit is equipped to interface with the proposed system on an automatic basis. Additionally, the applicants request waiver of our rules to permit identification of the telephony station by Morse code and to relieve the licensee from the rule requirements that calls be manually recorded in the station radio log since the applicant plans to automatically record calls. The application of Starer and Markovitz did not include a specific showing of need for more than one working frequency.

3. The Bell Telephone Company of Pennsylvania filed a petition to deny the application of Starer and Markovitz on the basis that: (a) The proposed station would compete with the petitioner's Station KGB 738 in Philadelphia; (b) there would be overlapping of coverage areas; and (c) the proposed station would provide service to the geographical area in which such service is already provided by petitioner's station.

4. The application of Starer and Markovitz is mutually exclusive with the application of Radio Broadcasting since both applicants propose operation on the same frequencies in the same area which would result in mutually destructive electrical interference, and the application may also be mutually exclusive with the

application of Niagara to the extent that both applicants propose operation about 30-40 miles apart on two frequencies which are the same. In addition to the questions of electrical interference raised by the proposed operation of the stations on the same frequencies, there is a question of whether additional radio facilities of this type are needed as requested by the applicants. Ordinarily, pursuant to § 81.303 of the rules, we do not authorize more than one VHF public coast station to serve a locality unless a satisfactory showing of need for additional facilities is made. In the case of the Starer and Markovitz application the application and petitions to deny rise a question of whether the showing of need for new facilities that accompanied the application is satisfactory. In view of these substantial and material questions the application of Starer and Markovitz must be designated for hearing, pursuant to §§ 1.227(b)(3) and 1.973(b) of the rules, in a consolidated proceeding with the applications of Niagara and Radio Broadcasting in these dockets.

5. With respect to the request of Starer and Markovitz for a waiver of the Commission's rules pertaining to the identification by Morse code of a telephony public coast station, no identification or emission rule waiver is necessary to operate such a station in this manner, since provision for doing so is already contained in §§ 81.132(b) (Authorized Classes of Emissions) and 81.310(a) (Identification of Station) of our rules. If and authorization is granted for the proposed Westmont or Philadelphia stations, however, the licensee must, submit to the Commission a complete description and specifics on the tone-modulated telegraphy device, using International Morse Code, that is to be used for transmitting the official call sign of the station, and obtain the Commission approval of the device prior to the commencement of operation of the station. The request of Starer and Markovitz for a waiver of the requirements of § 81.194 of the rules that require the manual recording in the station radio log of each communication exchanged, is found to be reasonable in the case of an automatic operation as proposed by the applicants. Such a rule waiver appears necessary in this instance. Although Radio Broadcasting did not request a waiver of that section of the rules in event its application is granted, we assume that such a waiver would be needed since we understand they propose a method of station identification that is essentially the same as that proposed by Starer and Markovitz. Thus, we will grant this request for rule waiver by Starer and Markovitz, and, on our own motion grant the same rule waiver for Radio Broadcasting in event that either of the applications of these parties is granted.

6. Markovitz is a party in another license application proceeding before this Commission (Docket No. 18827) in which one of the issues is her qualification to be a licensee of the Commission because of alleged repeated rule violations. Starer

is the principle in several Common Carrier applications concerning which questions of financial qualifications have been raised. There is a question, therefore, of Markovitz's qualifications to be a licensee of the Commission, and a question of the financial qualifications of Starer to be a licensee of the Commission.

7. With respect to the petition to deny filed by the Bell Telephone Company of Pennsylvania, that petition is granted to the extent that the application of Starer and Markovitz is designated for hearing on the issues specified herein and in all other respects is denied.

8. Accordingly, it is ordered, That the above-entitled application of Starer and Markovitz is designated for comparative hearing in a consolidated proceeding with the applications of Niagara and Radio Broadcasting in these dockets at a time and place to be specified in a subsequent order on the following issues which supersede the issues specified in our earlier order:

(a) To determine the need for new VHF public coast maritime radio facilities in the Salem, N.J., locality; and the need for more than one working frequency by that facility;

(b) To determine the coverage area of the proposed Salem, N.J., public coast station;

(c) To determine the need for additional VHF public coast maritime radio facilities using an automatic dial technique in Philadelphia, Pa.; and the need for more than one working frequency by such a facility;

(d) To determine the coverage area of the proposed additional VHF public coast station in Philadelphia, Pa.;

(e) To determine the coverage area of Stations KGB-738 and WEH;

(f) To determine the degree, if any, of cochannel electrical interference which would result from simultaneous operation of the proposed Niagara and Radio Broadcasting stations and whether such interference would be mutually destructive, and the applications, therefore, mutually exclusive;

(g) To determine the degree of overlap, if any, in the service area of the proposed station at Salem and Stations KGB 738 and WEH; and

(h) To determine whether overlap, if any in the service area of the proposed station at Salem and Stations KGB 738 and WEH constitutes wasteful duplication of available facilities and is therefore against the public interest.

(i) To determine whether Niagara is financially qualified to construct and operate its proposed station at Salem, N.J.;

(j) To determine the need for new VHF public coast maritime radio facilities in the Philadelphia, Pa., area by a station located at Westmont, N.J. using an automatic dial technique; and the need for more than one working frequency by such a facility;

(k) To determine the coverage area of the proposed Westmont, N.J., public coast station;

(l) With respect to the applications of Niagara and Starer and Markovitz

to determine the degree, if any, of cochannel electrical interference which would result from simultaneous operation of the stations and whether such interference would be mutually destructive and, whether the applications therefore, are mutually exclusive;

(m) To determine, if the applications of Niagara and Starer and Markovitz are found to be mutually exclusive, which, if either, of the applications, if granted, would provide the public with the best public coast station service based on the following considerations:

(1) Coverage area and its relation to the greatest number of users;

(2) Hours of operation;

(3) Ability to effectively participate in the maritime mobile radio safety system;

(4) Qualifications of management, operators, and other personnel;

(5) Rates and charges;

(6) Interconnection with landline facilities; and

(7) Reliability and efficiency of service.

(n) With respect to the applications of Radio Broadcasting and Starer and Markovitz to determine which, if either, of the applications, if granted, would provide the public with the best public coast station service based on the same considerations specified in issue m above;

(o) With respect to the applications of Niagara and Radio Broadcasting, if the applications are found to be mutually exclusive, to determine which, if either, of the applications, if granted, would provide the public with the best public coast station service based on the same considerations specified in issue m above.

(p) To determine the financial qualifications of Robert L. Starer to be a licensee of a public coast Class III-B station at Westmont, N.J.;

(q) To determine in the light of the evidence adduced on all the foregoing issues, which, if any, of the subject applications can be granted in the public interest, convenience, and necessity.

9. It is further ordered, That the burden of proceeding with the introduction of evidence on the issues is placed on the parties as follows:

(a) On issues (a), (b), and (i) on Niagara.

(b) On issues (e) and (d) on Radio Broadcasting.

(c) On issues (e) and (h) on Bell of Pennsylvania and Diamond State.

(d) On issues (j) and (k) on Starer and Markovitz.

(e) On issues (m) on Starer and Markovitz and Niagara to the extent that the items therein pertain to each of these parties.

(f) On issue (n) on Radio Broadcasting and Starer and Markovitz to the extent that the items therein pertain to each of these parties.

(g) On issue (o) on Niagara and Radio Broadcasting to the extent that the items therein pertain to each of these parties;

(h) On issue (p) on Robert L. Starer.

(i) Issues (f), (g), (l), and (q) are conclusory.

10. It is further ordered, That the guide and reference source for preparing

NOTICES

exhibits showing the geographical area in which satisfactory ship-shore maritime communications can be technically exchanged by the proposed station at Westmont, N.J., will be the same criteria to be used by other parties in these proceedings as specified in our designation order adopted April 8, 1971, in these Dockets; i.e. that contained in the Commission's notice of proposed rule making released August 28, 1970, in Docket 18944 which proposes technical standards for the computation of service areas for Public Coast III-B stations.

11. *It is further ordered*, That the provisions of § 81.194 of the Commission's rules that requires the manual recording of calls and communications exchanged are waived in the cases of Radio Broadcasting and Starer and Markovitz in event that either of the applications by them in these dockets is granted for operation of a public coast station using automatic dialing equipment.

12. *It is further ordered*, That for Starer and Markovitz to avail themselves of an opportunity to be heard, pursuant to § 1.221(c) of the rules, they shall within 20 days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That if, in the light of the evidence on all the issues in these dockets, it is found that the public interest would be served by the grant of the application of Starer and Markovitz, the grant of the application will be held in abeyance pending a satisfactory resolution of the issue in Docket 18827 as to whether Markovitz is qualified to be a licensee of the Commission with respect to compliance with the Commission's rules.

Adopted: May 19, 1971.

Released: May 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7597 Filed 6-1-71; 8:46 am]

FEDERAL MARITIME COMMISSION CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

¹ Commissioners Bartley and Robert E. Lee absent.

Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
05056---	Ethiopian Shipping Lines: Lalibella.	03453---	Kyosel Kison Kabushiki Kaisha: Yelju Maru.
01290---	Elseaferers Inc.: Captain John L.	Houshe Maru.	
01560---	Det Nordenfjeldske Dampskibsselskab, Trondheim, Norway: Chemical Rubi.	03468---	Nihonkai Kisen Kabushiki Kaisha: Taikai Maru.
01569---	Salix Compania Naviera S.A.: Captain Xilas.	03501---	Osaka Shosen Mitsui Senpaku K.K.: Mifunesan Maru.
01570---	Rimnes Compania Naviera S.A.: Panagiotis Xilas.	03711---	Raymond-Dravo-Langenfelder (a joint venture): Catskill. Charles E. Kohlhepp. Wm. H. McElwain. No. 146. No. 201. No. 221. No. 212. No. 211. No. 208. No. 205. Suzanne. No. 26. Downing. Raymond J. Ketchell. Clyde A. Mullen. Edwin H. Werner. Joseph Stranad. Capitol. Raritan. No. 21. No. 19. No. 11. Charleston. SC No. 90. Bay 6. Bay 5. Sea Scow. Cree. SC No. 115. No. 1401. Hughes No. 136. Cayuga. Gape Sable. Cape Kelly. Cape Donlin. No. 250. No. 285. Kris T. No. 156. No. 149.
01571---	Armadora Naviera Proestos S.A.: Proestos.		
02021---	Atlantiska Flovidba: Dubrovnik.		
02022---	C. T. Gogstad & Co.: Lido.		
02192---	Eretria Development Corp. S.A. Panama: Mikraslatis.		
02246---	Blue Star Line, Ltd.: California Star.		
02334---	Colle Towing Co., Inc.: Colle 141. Colle 121. Colle 120.		
02362---	"Rethymnon" Shipping Co., Ltd.: Rethymnon.		
02470---	La Grosse Dredging Corp.: Calumet. Engler. J. W. Wilkinson.		
02567---	Falmouth Shipping Co., Ltd.: Falmouth.		
02568---	Eaton Shipping Co., Ltd.: Eaton.		
02606---	Partenreeder M.V. Kathe Bos: Kathe Bos.		
02607---	Partenreeder ms Annette Bos: Annette Bos.		
02613---	Partenreeder ms Hendrik Bos: Hendrik Bos.		
02634---	Partenreeder ms "Irmgard Bos": Irmgard Bos.		
02955---	"Saronis" Shipping Co., Ltd.: Saronis.		
02984---	Maremar Compania Naviera S.A. Panama R.P.: Aetos.		
02983---	Sonia Compania Martima S.A., Panama: Sandra N.		
03048---	Seven Isles Shipping Corp.: Calypso.		
03115---	Pansurena Navegacion sa Panama: Aristovoulos.	03722---	Kerr-McGee Corp.: Yon-183. Tank Barge II.
03118---	Oceano Galante Navegacion S.A. Panama: Aristofonis.	03732---	Consolidation Coal Co., Inc.: Humphrey. Mathies. Arkwright. R. L. Ireland.
03119---	Garante Compania Naviera S.A. Panama: Stylianos Restis.	03862---	Tramp Shipping Co., Inc.: M/V Agia Eriini II.
03127---	Global Delta, Inc.: Clipper.	03923---	Shinwa Kaiun Kabushiki Kaisha: Tetsuho Maru. Tetsuyo Maru.
03128---	Global Seas, Inc.: First Lady.	04019---	Nord-Transport Strandheim & Stensaker: Vestfalek. Hanseat. Kings.
03129---	Orion Navigation Corp.: Tichi.	04128---	J. Brunvall. Rumba.
03141---	Tamar Shipping Co., Ltd.: Ionic Queen.	04182---	Kaj Ove Skou. Lady Vivian.
03153---	Caprice Navigation Corp.: Tigris.	04194---	Missouri Pacific Railroad Co.: Ste. Genevieve.
03154---	Vallant Navigation Corp.: Delfini.	04289---	Dixie Carriers, Inc.: ETT 117. ETT 116. DXE 1110.
03155---	Leo Navigation Corp.: Aris.	04318---	Overseas Minerals, Ltd.: Daphne. Athena.
03156---	Deneb Navigation Corp.: Trechon.	04451---	Venus International Corp.: Venus Dignity.
03157---	Scorpio Navigation Corp.: Tolmires.	04495---	Taisei Sulcan Kabushiki Kaisha: Taisei Maru No. 3.
03158---	Acquarius Navigation Corp.: Stolt Edla.		
03159---	Tavros Navigation Corp.: Tavros.		
03160---	Libra Navigation Corp.: Nimar.		
03161---	Andromeda Navigation Corp.: Telena.		
03256---	Upper Mississippi Towing Corp.: WRT-14. Ellis-3003.		
03341---	General Navigation, Ltd.: African Lady.		
03342---	Cla Armadora San Francisco: Lagos Superior. Legos Erie.		
03395---	A/S Oljefart II and Skibs A/S Mototank: M/T Jenny. M/T Harry Borthen.		

Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
04503---	Okutsu Suisan Kabushiki Kaisha: Zenko Maru No. 8.	05444---	Europa-Societa Generale D'Arma-mento S.P.A.:	05831---	N.V. Scheepvaartbedrijf Kroon- burgh:
04670---	Standard Products Co., Inc.: Smith Point.	05448---	Caterina M. Elshippers, Inc.:	05832---	Poolster.
04680---	Konkar Maritime Enterprises S.A.: Konkar Pioneer.	05467---	Grace L. Naviera Coronel S.A.:	05835---	Amasis Reederel G.m.b.H. & Co. KG.:
04681---	Konkar Resolute Corp.: Konkar Resolute.	05514---	Boca Maule. Scarsdale Shipping Co., Ltd.:	05835---	Amasis. Kabushiki Kaisha Otorimaru
04699---	Partenreederel MS Gerd Bos: Gerd Bos.	05534---	Eurofreighter. Eurofreighter.	05848---	Gyogyo: Otorimaru No. 38.
04841---	Hydromar Corp. of Delaware: Hydro-Atlantic.	05554---	Barold Division, National Lead Co.:	05848---	Navimex S.A.:
04889---	Cory Brothers & Co. (Italy), Ltd.: Mayrose.	05571---	George L. Ratcliffe. The Mackinac Transportation Co.:	05852---	Rio Frio.
04948---	Partenreederel M.V. "Bremer-sand":	05596---	Chief Wawatam. Pine Bluff Sand & Gravel Co.:	05852---	Marilina Compania Naviera D.V. S.A.:
04949---	M/V Bremersand.	05597---	Sand Hog. Spud Barge (Co. No. 2921).	05856---	Dolly Maria.
04950---	Partenreederel M.V. "Wesersand": M/V Wesersand.	05601---	Slorian Navigation Co., Ltd.:	05856---	Neuenfelder Reederel J. & B. Weech KG.:
04951---	Partenreederel M.V. "Nordsee-sand":	05657---	Cunningham Navigation Co., Ltd.:	05857---	Gerd Weech.
04952---	M/V Nordseesand.	05660---	M/V Caribbean Tiuna.	05857---	Coral Marine Enterprise Panama Co. S.A.:
04953---	Partenreederel M.V. "Langwarder-sand":	05665---	M/V Caribbean Tamana.	05858---	Coral Green.
04954---	M/V Langwardersand.	05685---	Trading Shipping Corp., Monro-via:	05858---	Interislands Shipping Co., Ltd.:
04955---	Partenreederel M.V. "Langlutjen-sand":	05686---	Calypso. United Towing, Ltd.:	05859---	Coral Islands.
04956---	M/V Langlutjensand.	05687---	Statesman. Englishman.	05860---	Ocean Bulk Shipping Corp.:
04957---	Partenreederel M.V. "Einswarder-sand":	05705---	Welshman. Irishman.	05861---	Filipinas-I.
04958---	M/V Einswardersand.	05739---	Edward E. Gillen Co.:	05862---	Sea Bird Navigation Corp.:
04984---	Partenreederel M.V. "Rugwarder-sand":	04741---	Number 25. C.J. Langenfelder & Son, Inc.:	05862---	Sea Falcon.
04985---	M/V Rugwardersand.	05748---	2400. Barton.	05863---	Ocean Glory Navigation Corp.:
05072---	Partenreederel M.V. "Surwurder-sand":	05757---	Conrad. Laruno.	05863---	Ocean Glory.
05073---	M/V Surwurdersand.	05776---	World Wide, Inc.:	05864---	World Tide Shipping Corp.:
05074---	C.V. M/S "Tempo": Tempo.	05779---	Conquistador.	05864---	Theomar.
05075---	Zannis Compania Naviera S.A., Panama:	05785---	M/V Cabrillo:	05865---	Compania Maritima Virona S.A.:
05076---	Harlet.	05785---	Cabrillo.	05865---	Virona.
05077---	N.V. Gebr. Van Uden's Scheep-vaart & Agentuur Mij.:	05785---	Blue Pacific, Inc.:	05866---	Becky.
05078---	Parkhaven.	05785---	M/V Blue Pacific.	05866---	Efnaval Compania S.A.:
05239---	Zapata Off-Shore Co.:	05785---	Astro Castellano Navegacion SA:	05866---	Anna F.
05251---	Intrepid.	05785---	Irlin.	05866---	Elmariners Compania S.A. Pan-ama:
05252---	Navigation Maritime Bulgare:	05785---	Limon Shipping Co.:	05867---	Kaptayanni.
05253---	Buzludja.	05785---	M/N Puerto Limon.	05867---	Ocean Carriers Corp.:
05254---	Ludogoretz.	05785---	Willi Maurer:	05868---	Aztec.
05255---	Persenk.	05785---	Mia Maurer.	05868---	Astro Pacifico Navegacion S.A.:
05256---	Alple Marine Co.:	05785---	Alpha Fishing Co.:	05869---	Sovereign Crystal.
05257---	Hilawatha.	05785---	Mary S. Compagnie De Transports Mari-times Petrolers:	05869---	McAllister Towing, Ltd.:
05300---	Marine Transocean, Ltd.:	05785---	Champs Elysees.	05869---	McAllister No. 1.
05301---	Splendid Sun.	05785---	Germinal.	05869---	McAllister No. 2.
05302---	European Commerce & Navigation Co.:	05785---	Messidor.	05869---	McAllister No. 3.
05303---	Tenacidad.	05785---	Pierre Poulain.	05869---	McAllister No. 4.
05336---	Genimar Development Corp.:	05785---	Fructidor.	05869---	Mapleheath.
05337---	Genimar.	05785---	Obernal.	05869---	P. S. Barge No. 1.
05338---	Kentauros Development Corp.:	05785---	South Coast Towing Co.:	05870---	Skibsaktsjelskapet Bratsberg:
05339---	M/V Nicodemos.	05785---	Island.	05870---	Maraton.
05416---	Galini Shipping Co. S.A.:	05785---	Caribe Sun.	05871---	Compania Naviera Zurubi S.A.:
05417---	Gerania.	05785---	C. A. Venezolana De Navegacion:	05871---	Nefos II.
05418---	Oswego Steamship Co., Inc.:	05785---	Santo Tome.	05874---	Sonoda Kisen K.K.:
05419---	Rainbow.	05785---	Guayana.	05874---	Itohamumaru No. 1.
05420---	Silver Ibis.	05785---	C. De Valencia.	05879---	Les Chargeurs Unis, Inc.:
05421---	Silver Owl.	05785---	C. De Cumana.	05879---	Aigle D'Ocean.
05422---	Silver Gull.	05785---	C. De Maracaibo.	05879---	Aigle Marin.
05423---	Silver Swan.	05785---	C. De Barquisimeto.	05879---	Blanc Sablon.
05424---	Silver Lark.	05785---	Anzoategui.	05881---	Elite Shipping Co., S.A.:
05425---	Vlassocean de Navegacion S.A.:	05785---	Sucre.	05881---	Asla Fidelity.
05426---	Telemachos.	05785---	Yaracuy.	05885---	Marcaminos Tropicos Navigation S.A.:
05427---	Euroship Navigation Co. S.A.:	05785---	Merida.	05885---	Stuttgart.
05428---	Eurodawn.	05785---	Guarico.	05885---	Black Navigation Co. Inc.:
05429---	Duenos Armadora S.A.:	05785---	Nueva Esparta.	05885---	Barge Takotna.
05430---	Lambros.	05785---	Glenco, Ltd.:	05885---	Barge Stony.
05431---	Compania de Vapores Laertis S.A.:	05785---	Irving Glen.	05885---	Barge Antak.
05432---	Telegonos.	05785---	MS. Nordsee Pioneer Schifffahrts-K.G.:	05904---	Tutsa Shipping Co. A.S. Panama:
05433---	Autolykos Comp. de Vapores, S.A.:	05785---	Nordsee Pioneer.	05904---	Vasla.
05434---	Mastro Stellos.	05785---	Zoya Compania Naviera S.A.:	05906---	Northern Freedom Shipping Co.:
05435---	Silver Wave Shipping Co. SA. of Panama:	05785---	Zoya.	05906---	Pacqueen.
05436---	Silver Wave.	05785---	Union Pacific Shipping Co., Inc.:	05916---	"Catalana Maritima, S.A.":
		05785---	Solar Trader.	05916---	Tintore.
		05785---	Ramon Garzon:		
		05785---	Ragar.		

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-7613 Filed 6-1-71; 8:47 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-400 etc.]

FRED W. SHIELD ET AL.
Notice of Applications for "Small
Producer" Certificates¹

MAY 24, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant	Docket No.	Date filed	Name of applicant
CS71-402...	4-26-71	Patoli Corp., 1442 Milam Bldg., San Antonio, TX 78205.	CS71-437...	4-27-71	H. W. Bacs & Sons, Inc., 1159 Mercantile Bldg., Dallas, Tex. 75201.
CS71-403...	4-26-71	Oil Finders, Inc., 2000 National Bank of Tulsa Bldg., Tulsa, OK 74103.	CS71-438...	4-27-71	Clark Fuel Producing Co. (Operator), 2100 First City National Bank Bldg., Houston, TX 77002.
CS71-404...	4-26-71	D. R. Snow, 2000 National Bank of Tulsa Bldg., Tulsa, OK 74103.	CS71-439...	4-22-71	Evan A. Thomas, 201 West Glenn Dr., Longview, TX 75601.
CS71-405...	4-26-71	J & M Well Service, Inc., Post Office Box 3710, Station 1, McAllen, TX 78501.	CS71-440...	4-23-71	Nora Laskey Minter, c/o The First National Bank of Shreveport, Post Office Box 1110, Shreveport, LA 71102.
CS71-406...	4-26-71	Frances M. O'Quinn, 2620 Centenary, Shreveport, LA 71104.	CS71-441...	4-27-71	Winston Jenkins, Post Office Box 925, Mission, TX 78572.
CS71-407...	4-26-71	M. L. Kinno, 604 Johnson Bldg., Shreveport, LA 71101.	CS71-442...	4-26-71	W. A. Stockard et al., 903 Houston National Gas Bldg., Houston, TX 77002.
CS71-408...	4-26-71	Pauline F. VanCleave Cruse, Post Office Box 1324, Shreveport, LA 71102.	CS71-443...	4-26-71	Commercial National Bank in Shreveport, Trustee for Mrs. Cecil Ezelle Whitwell, Post Office Box 1119, Shreveport, LA 71102.
CS71-409...	4-26-71	Roy Thompson, 7620 Hornwood, Apt. No. 103, Houston, TX 77036.	CS71-444...	4-26-71	Malloune Mahoney, Inc., et al., 925 Sutton Pl., Wichita, KS 67202.
CS71-410...	4-26-71	M. A. Schellhardt, 2101 South Boston, Apt. No. 3, Tulsa, -OK 74114.	CS71-445...	4-26-71	William H. Cook, Deceased, et al., 1009 Lane Bldg., Shreveport, LA 71101.
CS71-411...	4-26-71	Fraley Oil Co., Inc., 300 South Main St., Borger, TX 79007.	CS71-446...	4-27-71	Mrs. James R. Dougherty et al., Post Office Box 640, Beaville, TX 78102.
CS71-412...	4-26-71	C. Arnold Brown (Operator) et al., 1125 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	CS71-447...	4-27-71	Clark Oil Producing Co., 2626 Humble Bldg., Houston, Tex. 77002.
CS71-413...	4-26-71	Robert L. Bayless, Post Office Box 1641, Farmington, N. Mex. 87401.	CS71-448...	4-27-71	P. Douglass Farr, Post Office Drawer 307, West Union, WV 26456.
CS71-414...	4-26-71	Summit Energy, Inc. (successor to Western Oil Fields, Inc.), 1925 Mercantile Dallas Bldg., Dallas, Tex. 75201.	CS71-449...	4-27-71	Tato & Gribble, Post Office Drawer 307, West Union, WV 26456.
CS71-415...	4-26-71	Beverly Ann Laskey King, 835 Thora Blvd., Shreveport, LA 71106.	CS71-450...	4-27-71	Gribble & Hartman, Post Office Drawer 307, West Union, WV 26456.
CS71-416...	4-26-71	Linda Marie Laskey, 742 Erie St., Shreveport, LA 71106.	CS71-451...	4-30-71	Mac Donald, Burns, & Norris No. 2, Post Office Box 260, Torrance, CA 90507.
CS71-417...	4-26-71	Donna Elizabeth Laskey Newton, 742 Erie St., Shreveport, LA 71106.	CS71-452...	4-27-71	Smith & Gribble, Post Office Drawer 307, West Union, WV 26456.
CS71-418...	4-26-71	Belgam Oil Co., Inc., Post Office Box 1726, Shreveport, LA 71102.	CS71-453...	4-27-71	Houston Oil & Minerals Corp., 212 The Main Bldg., Houston, Tex. 77002.
CS71-419...	4-26-71	Loughorn Service & Drilling Co., 104 East 3d St., Monahan, TX 75766.	CS71-454...	4-27-71	Dorothy Hewitt Blakeney et al., Post Office Box 640, Beaville, TX 78102.
CS71-420...	4-26-71	Fenton & Fenton, Post Office Box 368, De Quincy, La 70633.	CS71-455...	4-27-71	Carolyn E. (Gribble) Farr, Post Office Drawer 307, West Union, WV 26456.
CS71-421...	4-26-71	Prairie Producing Co., 604 The Main Bldg., Houston, Tex. 77002.	CS71-456...	4-27-71	Farr & Gribble et al., Post Office Drawer 307, West Union, WV 26456.
CS71-422...	4-26-71	David C. Blintliff, 1309 Bank of the Southwest Bldg., Houston, TX. 77002.	CS71-457...	4-27-71	Empire Oil Co., Post Office Drawer 307, West Union, WV 26456.
CS71-423...	4-26-71	Daniel C. Arnold, 1309 Bank of the Southwest Bldg., Houston, Tex. 77002.	CS71-458...	4-27-71	James Zalica, Sol Zalaga & Sidney Laub, 4404 Emerson Rd., Wilmington, DE 19802.
CS71-424...	4-26-71	Jack G. Taylor, 1309 Bank of the Southwest Bldg., Houston, TX. 77002.	CS71-459...	4-23-71	Gene McCutchin, Post Office Box 1655, Dallas, TX 75221.
CS71-425...	4-26-71	Joseph F. Moss, 1309 Bank of the Southwest Bldg., Houston, TX. 77002.	CS71-460...	4-23-71	Benjamin C. McCutchin, Post Office Box 1655, Dallas, TX 75221.
CS71-426...	4-26-71	Estate of J. Blair Cherry, 1124 Lubbock National Bank Bldg., Lubbock, TX. 79401.	CS71-461...	4-23-71	Bonray Oil Co., 1361 First National Bldg., Oklahoma City, Okla. 73102.
CS71-427...	4-23-71	The Ohio Fuel Supply Co., 903 City National Bldg., Oklahoma City, Okla. 73102.	CS71-462...	4-23-71	Texana Oil Co., 145 Security Life Bldg., Denver, Colo. 80202.
CS71-428...	4-26-71	Edwin J. Peet, Trustee (Assignee of Johnnye Jones Peet, d.b.a. Peet Oil Co.), 602 North Crown Bldg., 830 Northeast Loop 410, San Antonio, TX 78209.	CS71-463...	4-23-71	Robert T. Ruchmore, 510 Midland Savings Bldg., Denver, Colo. 80202.
CS71-429...	4-26-71	The First National Bank of Amarillo, Trustee, Betty Teel Trust, Post Office Box 1331, Amarillo, TX 79105.	CS71-464...	4-23-71	Gerald T. Treaner, 610 Midland Savings Bldg., Denver, Colo. 80202.
CS71-430...	4-26-71	Samedan Oil Corp., 301 Little Bldg., Ardmore, Okla. 73401.	CS71-465...	4-23-71	G. M. Clegg Co., Ltd., First National Bldg., Oklahoma City, Okla. 73102.
CS71-431...	4-27-71	S & G Oil Co., Inc., 725 Wright Bldg., Tulsa, Okla. 74103.	CS71-466...	4-23-71	G. M. Clegg, First National Bldg., Oklahoma City, Okla. 73102.
CS71-432...	4-27-71	Oil & Gas Futures, Inc., Suite 700, 2200 South Post Oak Rd., Houston, TX 77027.	CS71-467...	4-23-71	GMO Oil & Gas Corp., First National Bldg., Oklahoma City, Okla., 73102.
CS71-433...	4-27-71	A. J. Hodges Industries, Inc., Post Office Box 1817, Shreveport, LA 71102.	CS71-468...	4-23-71	Prenalta Corp., Operator et al., Post Office Box 2514, Casper, WY 82501.
CS71-434...	4-26-71	Max L. Thomas, 2603 Mercantile Bank Bldg., Dallas, Tex. 75201.	CS71-469...	4-23-71	Phil K. Cochran, 409 Unadilla St., Shreveport, LA 71103.
CS71-435...	4-27-71	Corpus Christi Leaseholds, Inc., c/o Emmet C. Wilson, Post Office Box 773, Corpus Christi, TX 78403.	CS71-470...	4-23-71	Westman Petroleum, Inc., 230 Park Ave., New York, NY 10017.
CS71-436...	4-27-71	Strahan Oil & Gas Co., Inc., Operator et al., 224 Old Bastrop Rd., Monroe, LA 70217.	CS71-471...	4-23-71	F. W. Straut, Inc., Box 60, El Dorado, KS 67042.

Docket No.	Date filed	Name of applicant
CS71-400...	4-26-71	Fred W. Shield, 1442 Milam Bldg., San Antonio, TX 78205.
CS71-401...	4-26-71	Hicks Durham, Agent, 226 Johnson Bldg., Shreveport, LA 71101.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-472...	4-28-71	Kenmore Oil Co., Inc., 528 Whitney Bldg., New Orleans, LA. 70130.
CS71-473...	4-28-71	Emerald Oil Co., Post Office Box 51325, Lafayette, LA. 70501.
CS71-474...	4-28-71	Joan Bristol Wakefield, 2800 Texas Ave., 423 BB&L Bldg., Bryan, TX. 77801.
CS71-475...	4-28-71	William V. Montin, 1392 First National Bldg., Oklahoma City, Okla. 73102.
CS71-476...	4-28-71	H. W. Peritt, 423 Commercial National Bank Bldg., Shreveport, La. 71101.
CS71-477...	4-28-71	Nathan Kalvin, 509 Madison Ave., New York, NY 10022.
CS71-478...	4-28-71	The Estate of Jack Frost, 1892 NBC Bldg., San Antonio, Tex. 78205.
CS71-479...	4-28-71	Jerry McCutchin, Post Office Box 1585, Dallas, TX 75221.
CS71-480...	4-28-71	Alma McCutchin (Operator), Post Office Box 1585, Dallas, TX 75221.
CS71-481...	4-28-71	Ronald Lee McCutchin, Post Office Box 1585, Dallas, TX 75221.
CS71-482...	4-28-71	Robert W. O'Meara, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-483...	4-28-71	J. Harry Henderson, Jr., Post Office Box 1907, Alexandria, LA. 71301.
CS71-484...	4-28-71	National Exploration Co., One Elizabethtown Plaza, Elizabethtown, N.J. 07207.
CS71-485...	4-27-71	Dixon Management Corp., 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-486...	4-27-71	W. B. Ferguson III, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-487...	4-27-71	Christie T. Reinschmidt, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-488...	4-27-71	W. K. Bromley, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-489...	4-27-71	Lester E. Knight, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-490...	4-27-71	Estate of William S. Sneed, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-491...	4-27-71	Baird Tewksbury, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-492...	4-27-71	H. Victor Crawford, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-493...	4-27-71	H. D. Bruns, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-494...	4-27-71	Bess Jo Benish, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-495...	4-27-71	Charles S. Sneed, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-496...	4-27-71	Michael T. Judd, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-497...	4-27-71	J. Keet Lewis, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-498...	4-27-71	William B. Hirsch, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-499...	4-27-71	Robert O'Banion, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-500...	4-27-71	Jane P. Bromley, 3210 One Shell Plaza, Houston, Tex. 77002.

[FR Doc.71-7528 Filed 6-1-71; 8:45 am]

[Dockets Nos. RP71-108, RP71-110]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, Accepting and Suspending Proposed Alternative Revised Tariff Sheets, and Permitting Interventions

MAY 26, 1971.

Panhandle Eastern Pipe Line Co. (Panhandle) on April 26, 1971 tendered for

filing in Docket No. RP71-108 revised tariff sheets¹ proposing changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on May 27, 1971, subject, however, to Panhandle's agreement in Dockets Nos. RP69-35 and RP70-20 not to make effective any general rate increase (allowing for notice and maximum suspension) prior to September 1, 1971. The revised tariff sheets provide for an increase in annual jurisdictional revenues of \$38,279,361 based upon sales volumes for the 12-month period ended January 31, 1971, as adjusted. The proposed tariff changes would be applicable to Panhandle's Rate Schedules G-1, G-2, G-3, SG-1, SG-2, SG-3, LS-1, LS-2, S-1, SS-1, CS-1, I-1, I-2, and I-3.

Panhandle's filing consists of two alternate sets of revised tariff sheets, the first of which contains a new section to be included in the general terms and conditions of the tariff, providing for adjustments for changes in gas supply costs and a provision for flow-through of gas supplier refunds.² The alternate set is comprised of identical sheets, with all reference to a purchase gas adjustment provision removed. Panhandle requests that, if the Commission finds that the proposed purchase gas adjustment provision is prohibited by § 154.38(d) (3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Panhandle's filing, the Commission accept for filing the alternate revised sheets, which do not contain a purchase gas adjustment provision nor a provision for flow-through of gas supplier refunds.

Panhandle states that the reasons and basis for the proposed rate increases are: (a) Changes in operations as a result of expansion and gas supply projects; (b) increased interest, capital, and other financial costs; (c) increased Federal and State income taxes, ad valorem and other taxes; (d) increased gas purchase costs, including the effect of the Pan Eastern Exploration Co., project in Docket No. CP71-237 and the revision in depreciation (unit of production versus straight-line) of gathering facility investment; and (e) increased costs of labor, materials, supplies, and services. The proposed rates include a claimed 80-percent rate of return.

The reasonableness of including a purchase gas adjustment provision in Panhandle's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchase gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Panhandle's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate

ate at this time to waive the provisions of § 154.38(d) (3) of the Commission's regulations under the Natural Gas Act to permit the filing of Panhandle's revised tariff sheets, containing a purchase gas adjustment provision. From and after the effective date of the proposed alternate revised tariff sheets, and prior to the determination of this issue, however, Panhandle will not be precluded from requesting permission to track supplier rate increases which increase the purchase gas cost included by Panhandle in this filing.

On April 27, 1971, Panhandle filed in Docket No. RP71-110, a petition for authorization to use liberalized depreciation with normalization for accounting and rate purposes on all eligible pre-1969 properties effective at the same time its proposed increased rates become effective in Docket No. RP71-108. Panhandle requests that this issue be consolidated with proceedings concerning the general rate increase requested in Docket No. RP71-108.

Review of the rate filing indicates that the issues therein raised require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Petitions to intervene were filed by the parties listed in Appendix B hereto.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended in Dockets Nos. RP71-108 and RP71-110, and that the proposed tariff sheets listed in Appendix A hereto be suspended, and the use thereof be deferred as herein provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

(3) The participation of the named petitioners in Appendix B hereto may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. D), a public hearing shall be held commencing with a prehearing conference on July 7, 1971, at 10 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Panhandle's revised tariff sheets listed in Appendix A hereto, are suspended, and the use thereof deferred until October 27, 1971, and until

¹ The revised tariff sheets (excluding Purchased Gas Adjustment clause) are listed in Appendix A hereto.

² Proposed Original Sheets Nos. 43-1 and 43-2.

such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Panhandle's revised tariff sheets containing a purchase gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Panhandle's tariff.

(D) At the prehearing conference on July 7, 1971, Panhandle's prepared testimony (Statement P), together with its entire rate filing as submitted and served on April 26 and 27, 1971, shall be admitted to the record as Panhandle's complete case-in-chief as provided by § 154.63(e) (1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(E) On or before August 28, 1971, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before September 8, 1971. Any rebuttal evidence by Panhandle shall be served on or before September 28, 1971. Cross-examination on the evidence filed will commence on October 5, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 16 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) The petitioners named in Appendix B are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) Dockets Nos. RP71-108 and RP71-110 are hereby consolidated for purposes of hearing and decision.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

PANHANDLE EASTERN PIPE LINE COMPANY

Alternate Tariff Sheets (Excluding Purchased Gas Adjustment Clause)

Fifth Revised Sheet No. 1.
Alternate Original Sheet No. 3-A.
Twentieth Revised Sheet No. 4.
Sixteenth Revised Sheet No. 5.
Sixteenth Revised Sheet No. 6.
Twentieth Revised Sheet No. 7.
Sixteenth Revised Sheet No. 8.
Sixteenth Revised Sheet No. 9.
Twentieth Revised Sheet No. 10.
Sixteenth Revised Sheet No. 11.
Sixteenth Revised Sheet No. 12.
Twentieth Revised Sheet No. 13.
Twentieth Revised Sheet No. 14.
Twentieth Revised Sheet No. 16.
Twentieth Revised Sheet No. 17.
Twenty-first Revised Sheet No. 19.
Twentieth Revised Sheet No. 20.
Twentieth Revised Sheet No. 22.
Sixteenth Revised Sheet No. 23.
Sixteenth Revised Sheet No. 24.
Twelfth Revised Sheet No. 24-A.
Ninth Revised Sheet No. 24-B.
Ninth Revised Sheet No. 24-C.
Twenty-fourth Revised Sheet No. 25.
Fifteenth Revised Sheet No. 26-A.
Fifteenth Revised Sheet No. 26-B.
Fourteenth Revised Sheet No. 26-E.
Tenth Revised Sheet No. 26-F.
Tenth Revised Sheet No. 26-G.
Twenty-first Revised Sheet No. 27.
Twentieth Revised Sheet No. 29.
Twentieth Revised Sheet No. 31.

APPENDIX B

Intervenors

Associated Natural Gas Co.
Central Illinois Light Co.
Central Illinois Public Service Co.
Central Indiana Gas Co.
City of Fulton, Mo.
City of Indianapolis, Ind.
City of Macon, Mo.
Columbia Gas of Ohio, Inc.
Dayton Power and Light Co.
Illinois Municipal Utilities Association.
Illinois Power Co.
Industrial Gas Co.
Industrial Gas Consumers Committee.
Robert L. Kunzlg, Administrator of General Services.
Missouri Edison Co.
Missouri Power and Light.
Missouri Public Service Co.
Michigan Gas Storage Co.
Michigan Gas Utility Co.
Northern Illinois Gas Co.
Northern Indiana Public Service Co.
The Gas Service Co.
The Ohio Fuel Gas Co.
The Toledo Edison Co.
Illinois Commerce Commission.

[FRC Doc.71-7602 Filed 6-1-71;8:46 am]

[Docket No. RP71-107]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Denying Motions To Reject, Rejecting Proposed Revised Tariff Sheets, Accepting for Filing and Suspending Proposed Alternative Revised Tariff Sheets, Establishing Procedures, and Permitting Intervention

MAY 26, 1971.

Northern Natural Gas Co. (Northern), on April 26, 1971, tendered for filing re-

vised tariff sheets,¹ proposing changes in its FPC Gas Tariff, Third Revised Volume No. 1, to become effective on May 27, 1971. The revised tariff sheets provide for an increase in annual jurisdictional revenues of approximately \$18,323,823, based upon sales volumes for the 12-month period ended December 31, 1970, as adjusted.

Northern's filing consists of two alternate sets of revised tariff sheets, the first of which contains a new section to be included in the general terms and conditions of the tariff, providing for adjustments for changes in gas supply costs and a provision for flow-through of gas supplier refunds.² The alternate set is comprised of identical sheets with all reference to a purchased gas adjustment provision removed. Northern requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d) (3) of the Commission's regulations under the Natural Gas Act, unless the terms of that Section are waived for purposes of Northern's filing, the Commission accept for filing the alternate revised sheets, which contain neither a purchased gas adjustment provision nor provision for flow-through of gas supplier refunds.

The reasonableness of including a purchased gas adjustment provision in Northern's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Northern's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d) (3) of the Commission's regulations to permit the filing of Northern's revised tariff sheets, containing a purchased gas adjustment provision. From and after the effective date of the proposed alternate revised tariff sheets, and prior to the determination of this issue, however, Northern will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas cost included by Northern in this filing.

Northern states that the reasons and basis for its proposed rates are increases in (a) cost of gas supplies; (b) income, property and payroll taxes; (c) cost of construction, wages and supplies expenses; and advance payments required to obtain a new source of gas supply from Canada and Montana. The proposed rates include a claimed 9-percent rate of return.

The tariff sheets as submitted propose, among other things, the following: (1)

¹The revised tariff sheets (excluding Purchased Gas Adjustments clause) are listed in Appendix A hereto.

²Those sheets are identified as follows: Original Sheets Nos. 4a, 6a, 29a, 29b, 29c, 29d, 30a, 30b, 67, 68, 69, 70, 71, and 72; and First Revised Sheets Nos. 1, 15 through 26, 28, 34, 37 through 40, 59 through 66, 75, and 79.

A limitation in the applicability provision of the CD-1 Rate Schedule which would restrict Northern's customers from consuming gas in their own plants or reselling it to large-volume consumers if the total fuel input requirements of such plants or large-volume consumers are in excess of 25,000 Mcf per day equivalent; (2) changes in penalty provisions which would be as much as \$20 per Mcf for takes of unauthorized overrun gas in excess of 5 percent of the contract demand; (3) revisions in Northern's PL-1 Rate Schedule to incorporate some of the changes to be made in the CD-1 Rate Schedule; (4) a notice of cancellation of Northern's R-1 Rate Schedule and the filing of a proposed AOS-1 Rate Schedule providing for the sale of any interruptible overrun gas which may become available on the basis of the ratio that each purchaser's contract demand bears to the total contract demand of the customers to whom overrun gas may be offered in a given operational area; (5) the filing of a proposed EG-1 Rate Schedule which would permit the sale of excess gas, when available, to customers for meeting the requirements of large-volume consumers whose total fuel input requirements exceed 25,000 Mcf per day equivalent, such gas to be offered in the ratio that each customer's interruptible industrial plant requirements for excess gas bears to the total of such requirements of all customers desiring to purchase such gas in a given operational area; (6) a notice of cancellation of the PO-1 Rate Schedule which provided for the sale of interruptible pipeline overrun service; (7) a notice of cancellation of the IPS-1 Rate Schedule which provided for initial period service for newly certificated communities; and (8) a large number of changes to the general terms and conditions of Northern's tariff, including revisions of paragraph 9 to state clearly that Northern shall have the right to reduce the delivery of gas below the contract demand during the months of April to October, both inclusive, to facilitate the annual replenishment of underground storage by permitting Northern to curtail down to 85 percent of the contract demand in the months of April and October and down to 70 percent of the contract demand in the months of May through September.

The proposed new curtailment provisions in paragraph 9, permitting curtailment of contract demand down to 70 percent, would become effective under the proposed new tariff sheets, only after sales to large-volume consumers using more than 25,000 Mcf per day have been discontinued, unless, and to the extent, there is an outstanding certificate of public convenience and necessity issued by the Commission specifically authorizing the sale of gas on a firm basis to such a large-volume consumer (First Revised Sheet No. 15).

On May 17, 1971, Northern filed a report in response to Order No. 431, issued April 15, 1971, in Docket No. R-418. In that filing, Northern stated that it will implement § 9.2 of the general terms and conditions of its presently effective tariff

for this storage injection season. The report noted that Northern had previously filed in this docket proposed revisions to its tariff in order to establish curtailment procedures for future injection seasons. In our order issued April 19, 1971, in Northern Natural Gas Co., Docket No. RP71-89, we permitted Northern to withdraw a previously filed amendment to Section 9.2 of its tariff. In that order, we deferred acting on issues raised by Michigan Power Co. and Iowa Power and Light Co. pertaining to Northern's curtailment plan contained in section 9.2 of its presently effective tariff. We there stated that, after consideration, we would issue an order providing for a hearing to be held on the questions raised by Michigan Power and Iowa Power with respect to Northern's past and presently contemplated curtailment procedures. Inasmuch as we are ordering a separate hearing on the propriety of the curtailment plan proposed by Northern in this proceeding, the issues raised by Northern's reliance on section 9.2 of its presently effective tariff should be considered in that stage of this proceeding.

Review of the rate filing indicates that the issues therein raised require development in an evidentiary proceeding. We believe that the issues pertaining to Northern's present and proposed curtailment procedures should be heard separately from the hearing on the issues involving Northern's proposed rate levels. Accordingly, we shall establish procedures to expedite both of those hearings.

Petitions to intervene and notices of intervention were filed by the parties listed in Appendix B hereto.

In their petitions to intervene, Terra Chemicals International, Inc., and Farmland Industries, Inc., filed motions to reject certain of Northern's tendered tariff sheets pertaining to the proposed revision of paragraphs 9.1 and 9.3 of the general terms and conditions of its tariff. Michigan Power Co., on May 20, 1971, filed a motion to reject certain of Northern's tendered tariff sheets, which propose to revise paragraph 9 of its tariff and to limit the applicability of Northern's CD-1 Rate Schedule. In support of their motions, each asserts arguments that were advanced to the Commission in the prior proceeding involving Northern's curtailment procedures (Northern Natural Gas Company, Docket No. RP71-89). We answered those arguments in our order issued February 26, 1971 (mimeo., pp. 8-9) and our order issued March 19, 1971 (mimeo., p. 4). The arguments advanced here do not warrant any change or modification of our rationale and decisions in those orders. Consequently, we affirm those decisions and will deny the motions to reject.

The Commission finds:

(1) The proposed curtailment provisions and the proposed increased rates and charges tendered by Northern on April 26, 1971, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the changes proposed by Northern to its FPC Gas Tariff, Third Revised Volume No. 1, and that the proposed tariff sheets listed in Appendix A hereto be accepted for filing, suspended and the use thereof be deferred as herein provided.

(3) Good cause exists for denying the motions to reject and for rejecting for filing Northern's tendered revised tariff sheets identified in footnote 2 above.

(4) The disposition of this proceeding should be expedited in accordance with the procedures hereinafter ordered.

(5) The participation in this proceeding of the named petitioners in Appendix B hereto may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on June 15, 1971, at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in Northern's FPC Gas Tariff as proposed to be revised herein and the propriety of Northern's curtailment procedures as set forth in its presently effective tariff.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing with a prehearing conference on August 3, 1971, at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services (exclusive of the issues involved in the proceeding pursuant to paragraph (A) above) contained in Northern's FPC Gas Tariff as proposed to be revised herein.

(C) Pending such hearings and decisions thereon, Northern's revised tariff sheets identified in Appendix A hereto are hereby accepted for filing, suspended and the use thereof deferred until October 27, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) The motions to reject filed by Farmland Industries, Inc., Terra Chemicals International, Inc., and Michigan Power Co. are hereby denied.

(E) Northern's revised tariff sheets identified in footnote 2 above are hereby rejected for filing. Those proposed tariff sheets, however, may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Northern's tariff.

(F) On June 3, 1971, Northern shall file with the Commission with service on

all parties to this proceeding a statement setting forth the specific proposed tariff sheets (including any that give notice of cancellation of existing sheets) that pertain to the issues involved in its curtailment procedures, both present and proposed, as well as the specific parts of its testimony and exhibits pertaining to those issues, which were served in this proceeding on May 10, 1971.

(G) At the hearing on June 15, 1971, the part of Northern's prepared testimony (Statement P) relevant to the curtailment issues, together with the part of its rate filing pertaining to those issues, shall be admitted to the record as Northern's complete case-in-chief on those issues as provided by § 154.63(e) (1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding. Thereafter, cross-examination of Northern's witnesses will commence followed immediately with oral direct testimony of intervenors and Commission Staff, cross-examination thereon, and Northern's oral rebuttal testimony with cross-examination thereon. This hearing shall be continuous until concluded; provided, however, that very brief recesses may be allowed by the Presiding Examiner upon a showing of good cause therefor.

(H) At the pre-hearing conference on August 3, 1971, Northern's prepared testimony (Statement P) pertaining to the rate level issues, together with its rate filing relevant to those issues, shall be admitted to the record as Northern's complete case-in-chief as provided by § 154.63(e) (1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding. Following admission of Northern's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure, particularly subsection (f) thereof, and of this order as set forth above.

(I) On or before August 31, 1971, the Commission Staff shall serve its prepared testimony and exhibits on the rate level issues. The prepared testimony and exhibits on those issues of any and all intervenors shall be served on or before September 9, 1971. Any rebuttal evidence by Northern shall be served on or before September 29, 1971. Cross-examination of all evidence relevant to the rate level issues shall commence October 12, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(J) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in section 2.59 of the Commission's rules of practice and procedure.

(K) The petitioners named in Appendix B are hereby permitted to intervene in this proceeding, subject to the

rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(L) Unless otherwise ordered by the Commission, Northern shall not change the terms or provisions of its tariff as proposed to be revised herein or as presently effective until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

NORTHERN NATURAL GAS COMPANY

Alternate Tariff Sheets (Excluding Purchased Gas Adjustment Clause)

Original Sheets Nos. 6a, 29a, 29b, 29c, 29d, 30a, and 30b.

First Revised Sheets Nos. 1, 15 through 26, 28, 34, 37 through 65, 75, and 79.

APPENDIX B

Intervenors

Minnesota Natural Gas Co.
Municipal Defense Group.
Michigan Power Co.
Farmland Industries, Inc.
Northern Illinois Gas Co.
Wisconsin Michigan Pipe Line Co.
Terra Chemicals International, Inc.
Producers Gas Equities, Inc.
Iowa State Commerce Commission.
City of Minneapolis, Minn.
Metropolitan Utilities District of Omaha.
Iowa Public Service Co.
Iowa-Illinois Gas and Electric Co.
Iowa Southern Utilities Co.
Lake Superior District Power Co.
Northwestern Public Service Co.
Kansas-Nebraska Natural Gas Co., Inc.
Interstate Power Co.
Northern States Power Co. (Minnesota).
Northern States Power Co. (Wisconsin).
Iowa Power and Light Co.
Nebraska Natural Gas Co.
Northern Central Public Service Co., Division of Donovan Companies, Inc.
Lloyd V. Crum, Jr.
Central Telephone & Utilities Corp.
Suburban Rate Authority.
Minneapolis Gas Co.
Cleveland-Cliffs Iron Co.
Public Service Commission of Wisconsin.
State Corporation Commission of the State of Kansas.
Reserve Mining Co.
Michigan Public Service Commission.
Wisconsin Gas Co.
Inter-City Gas Ltd.
Iowa Electric Light and Power Co.
St. Croix Valley Natural Gas Co., Inc.
The Hanna Mining Co.

[FR Doc.71-7603 Filed 6-1-71; 8:46 am]

[Docket No. CP71-273]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 26, 1971.

Take notice that on May 17, 1971, Southern Natural Gas Co. (applicant),

Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-273 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the development and operation of a natural gas storage project to be known as the Muldon Field, located in Monroe County, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the following:

(a) Acquisition of all necessary mineral, royalty, and working interests, and all storage, surface and other rights and interests necessary to develop and operate the Muldon Field as a gas storage facility.

(b) The drilling, construction and operation of a total of 35 injection-withdrawal wells at the Muldon Field, together with certain wellhead measuring equipment and other ancillary facilities.

(c) The conversion of six existing wells in Muldon Field into observation wells and the plugging and abandonment of one existing well.

(d) The construction and operation of a central plant in the Muldon Field which will consist of a 21,750-horsepower compressor station, a dehydration plant, and other ancillary facilities.

(e) The construction and operation of certain field pipeline facilities connecting the central plant to the various injection and withdrawal wells to be drilled and constructed. The field lines will consist of approximately 2,767 miles of 12-inch pipeline, 1,801 miles of 10-inch pipeline, and 4,458 miles of 8-inch pipeline.

(f) The construction and operation of approximately 36 miles of 30-inch pipeline extending from the central plant-site at the Muldon Field to applicant's presently existing north main line facilities near the Brooksville, Miss., junction; a regulating station to be located adjacent to applicant's facilities near the Brooksville junction, and certain telemetering equipment to be located near the Brooksville junction and at the central plant-site.

(g) The injection of approximately 61,200,000 Mcf of natural gas into the Muldon Field by applicant during the period April 1, 1972, to November 1, 1972, and the withdrawal of up to 34,200,000 Mcf of natural gas during the 1972-73 winter heating season.

(h) The injection of sufficient volumes of natural gas into Muldon Field during subsequent years of operation so as to enable applicant to reach an active working gas inventory of approximately 42,800,000 Mcf which will be available to applicant for withdrawal during winter heating seasons at an average daily rate of approximately 285,000 Mcf, with a maximum daily withdrawal rate of approximately 459,000 Mcf.

Applicant states that no expansion of its system delivery capacity will result from construction of the proposed facilities and that no additional sales or service are proposed. The estimated cost

of the development proposed herein is \$38,582,662, which cost applicant states will be financed by the use of bank loans and permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7604 Filed 6-1-71; 8:46 am]

[Docket No. CP71-276]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 26, 1971.

Take notice that on May 19, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-276 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate facilities to connect with and transport regasified LNG from an LNG terminal facility presently proposed by Southern Energy Co., to applicant's main transmission system. The facilities necessary therefor are:

(a) Two 30-inch pipelines, each approximately 13.25 miles in length, from Southern Energy's proposed terminal facility on Elba Island to applicant's existing Savannah Regulator Station both of which are located in Chatham County, Ga.; and

(b) Approximately 105 miles of 26-inch pipeline from the Savannah Regulator Station to applicant's existing Wrens Compressor Station, Wrens, Ga., on its South Main Line.

Applicant states that the facilities proposed herein, when constructed in 1975, will enable it to receive and transport to its main transmission system approximately 475,000 Mcf of regasified LNG per day. The estimated cost of the facilities proposed herein is \$27,862,790, which cost applicant states will be financed initially from bank loans which will be repaid from cash, funds generated by normal operations, and long-term financing.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before June 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7605 Filed 6-1-71; 8:46 am]

[Docket No. E-6489]

WEST TEXAS UTILITIES CO. AND COMISION FEDERAL DE ELECTRICIDAD

Notice of Application

MAY 25, 1971.

Take notice that West Texas Utilities Co. (West Texas), incorporated under the laws of the State of Texas with its principal place of business at Abilene, Tex., filed an application in the above docket on April 12, 1971 for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which West Texas may transmit from the United States to Mexico. A joinder in West Texas' application was filed on April 12, 1971 by Comision Federal De Electricidad (Comision Electricidad), an agency of the Republic of Mexico.

By Commission order issued July 5, 1963 in the above docket (30 FPC 55), West Texas and Comision Electricidad (applicants) were authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 6,400,000 kw.-hr. per year at a rate of transmission not to exceed 800 kw. over certain 2,300-volt facilities of Comision Electricidad located at the international border between the United States and Mexico and covered by the presidential permit signed by the President of the United States on August 26, 1941 (Docket No. IT-5657), as amended by amendments signed by the Chairman of the Federal Power Commission on November 10, 1958 (Docket No. IT-5657), and July 3, 1963 (Docket No. E-6489). Comision Electricidad is currently the holder of that presidential permit, as amended.

Applicants now seek authorization to export electric energy in an amount not in excess of 16 million kw.-hrs. per year at a rate of transmission not to exceed 2,000 kw. from a point near Presidio, Tex., adjacent to the Rio Grande and opposite Ojinaga, Mexico, for the purpose of meeting the growth in the electric service requirements of Comision Electricidad's customers in Ojinaga and vicinity. Comision Electricidad will continue to be the transmitter and West Texas will continue to be the supplier of the exported energy.

West Texas represents that it has adequate capacity to furnish the additional amount of electric energy at the increased transmission rate to Comision Electricidad, as described above, as well as to furnish the electric service needs of its present and prospective customers in the United States.

Concurrently with the filing of its above-mentioned joinder in West Texas' application, Comision Electricidad filed an application in Docket No. E-6489, pursuant to Executive Order No. 10485, dated September 3, 1953, for further amendment of the presidential permit signed by the President of the United

States on August 26, 1941, referred to above, so as to authorize Comision Electricidad to construct and operate certain 12,500-volt facilities at the United States-Mexican border which would replace the facilities currently utilized for exporting electric energy purchased by Comision Electricidad from West Texas.

Any person desiring to be heard or to make any protest with reference to said application for the supplemental export order should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7606 Filed 6-1-71; 8:46 am]

FEDERAL RESERVE SYSTEM

FAIR CREDIT REPORTING ACT

Guidelines for Financial Institutions

Public Law 91-508, signed by the President October 26, 1970, amended the Consumer Credit Protection Act by adding a new title VI, the "Fair Credit Reporting Act."

The Board of Governors of the Federal Reserve System has approved distribution of a pamphlet containing Question and Answer Guidelines¹ regarding financial institutions and the Fair Credit Reporting Act. The Guidelines, which are not a regulation of the Board, are issued for the guidance of financial institutions. They were prepared jointly by the staff of the Board of Governors, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board.

By order of the Board of Governors,
May 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7614 Filed 6-1-71; 8:47 am]

¹ A copy of the Guidelines is filed as a part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Banks.

GREAT LAKES HOLDING CO.

Amended Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Great Lakes Holding Co., Kalamazoo, Mich., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of not less than 89 percent nor more than 92 percent of the voting shares of Industrial State Bank & Trust Co., Kalamazoo, Mich.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company and the bank concerned, and the convenience and needs of the community to be served.

Comments and views regarding the proposed acquisition may be filed with the Board to be received not later than June 10, 1971. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

This amends a notice with regard to receipt of this application which was published in the FEDERAL REGISTER on May 29, 1971.

By order of the Board of Governors,
May 28, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-7708 Filed 6-1-71; 9:08 am]

OFFICE OF ECONOMIC OPPORTUNITY

[OEO Contract No. B99-4816]

LABOR MARKET STRUCTURE AND SOCIAL MOBILITY

Notice of Reported Findings

Pursuant to section 606b of the Economic Opportunity Act, as amended, it is announced that as a result of OEO Contract No. B99-4816, Stanford University (Professor M. W. Reder, Principal Investigator) has furnished to the Agency a report entitled, "Labor Market Structure and Social Mobility."

The Report consists of a set of papers which center on the theme of the interaction between economic and social forces in determining one's well being in a material sense as well as the more intangible concept of one's status. The following papers comprise the Report:

"Labor Market Structure and Social Mobility" (a summary and integrative paper)
"Unemployment Among New Labor Market Entrants"
"The Theory of Occupational Wage Structure"
"The Political Economy of Social Class: The Case of the American Negro"
"Human Capital and Economic Discrimination"
"Changes in White-Nonwhite Income Differentials Over Time"

A copy of this report has been filed with the clearinghouse for Federal, Scientific, and Technical Information, U.S. Department of Commerce.

WESLEY L. HJORNEVIK,
Deputy Director.

MAY 25, 1971.

[FR Doc.71-7615 Filed 6-1-71; 8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2954]

ARNOLD BERNHARD & CO., INC.,
ET AL.

Notice of Application for Exemption and Temporary Order of Exemption Pending Determination of the Application

MAY 26, 1971.

Notice is hereby given that Arnold Bernhard & Co., Inc. (A B & Co.), Value Line Securities, Inc. (Securities), Arnold Bernhard (Bernhard), Value Line Appraisals (Appraisals) and David Bruce Huxley (Huxley), 5 East 44th Street, New York, NY, have filed an application pursuant to section 9(c) of the Act (1) for an order exempting applicants from

the provisions of section 9(a) of the Act, and, without prejudice to the Commission's consideration of such application, (2) for a temporary order of exemption from section 9(a) pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Bernhard is the president and chairman of the board of directors and owner of 100 percent of the voting stock of A B & Co. A B & Co. is the publisher of the various Value Line investment advisory services. A B & Co. is also investment adviser to the following companies registered under the Investment Company Act of 1940 (Act), as open-end diversified companies i.e., The Value Line Fund (Line Fund), The Value Line Income Fund, Inc. (Income Fund), and the Value Line Special Situations Fund, Inc. (Special Fund). The Value Line Development Capital Corp. (Development Fund), registered under the Act as a closed-end diversified company, is also advised by A B & Co. Securities, a wholly owned subsidiary of A B & Co., is the principal underwriter of the aforementioned open-end companies. Huxley is the secretary of the corporate applicants and of the aforementioned funds.

On the 26th day of May 1971, the U.S. District Court for the Southern District of New York entered a Final Judgment of Permanent Injunction and for Other Relief against applicants. The judgment, *inter alia*, enjoins the defendants and their agents etc. from publishing articles, etc. making recommendations with respect to securities, or from publishing sales literature or soliciting proxies, without disclosing therein any agreements on behalf of Arnold Bernhard & Co. or any subsidiary to act as finder in return for compensation, and from accepting payment for services related to sales transactions of any affiliated registered investment company, except as authorized by section 17(e) of the Act or failing to disclose, in investment advisory contracts with a registered investment company, payment received for services arising out of the purchase or sale of securities by such registered investment company.

Section 9(a) of the Act, in so far as it is pertinent here, makes it unlawful for any person (or any company with which such person is affiliated) to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust or registered face amount certificate company, if such person is by reason of any misconduct enjoined by order of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with any activity as an underwriter, broker, dealer, or investment adviser or as an affiliated person, salesman, or employee of an investment company.

Section 9(c) provides that upon application the Commission shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants contend that the standards for exemption, specified in section 9(c) of the Act are entirely satisfied by the facts in this case.

Applicants represent that the complaint filed by the Commission was based upon alleged violations of various Acts administered by the Commission stemming from two activities, both of which involved alleged nondisclosure, for which the applicants or some of them were allegedly responsible: (a) Undertaking to find partners for mergers, acquisitions and financing without stating these facts in the various Value Line investment service publications of A B & Co. and in various prospectuses, sales literature and proxy solicitations (Finders Activity), and (b) instances of receipt of small fees for services in preparing formal documents to expedite the purchase of restricted securities by two of A B & Co.'s managed Funds (Special Fund and Development Fund), amounting to a total of \$17,242 (Service Fees).

Applicants represent that all the service fees, in the amount of \$17,242, which A B & Co. received from 23 companies for services in the preparation of materials for formal documents necessary to reflect purchases of restricted securities by Special Fund and Development Fund, have been remitted to the two Funds. Applicants also represent that A B & Co. has terminated its activities which gave rise to those fees.

Applicants also represent that A B & Co.'s activity as a finder was not a major corporate activity and that such activity had no effect on the Funds under the management of A B & Co. Applicants represent that this activity has been terminated and all reasonable steps have been taken to insure that neither A B & Co. nor any of the employees of A B & Co. will engage in such activity without adequate disclosure.

Applicants represent that Bernhard has been engaged in the field of securities analysis and investment guidance since 1931 and that A B & Co. is a well-known publisher of investment advisory services and has about 425 employees.

Except for the aforementioned injunction action and an Administrative Proceeding which includes as respondents A B & Co., Securities and Bernhard, with respect to which the respondents have submitted an offer of settlement, applicants represent that none of the applicants has ever been charged by the Commission or the Government in either a

formal administrative proceeding or a court action with violations of any of the securities laws.

In addition, applicants represent that the continued uninterrupted services of all of the applicants is essential to the protection and welfare of the Funds under the management of A B & Co. and their shareholders.

The Commission has considered the matter and finds that:

(1) the conduct of the applicants has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application, and

(2) In order to maintain uninterrupted management of the investment companies under the management of A B & Co. it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order of exemption be issued forthwith.

Accordingly, it is ordered, Pursuant to section 9(c) of the Act that applicants be and they are hereby temporarily exempted from the provisions of section 9(a) of the Act pending determination by the Commission of applicants' application for an order exempting applicants from the provisions of section 9(a).

Notice is further given that any interested person may, not later than June 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Associate Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7609 Filed 6-1-71; 8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 27, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42212—*Liquid caustic soda from Geismar, La.* Filed by O. W. South, Jr., agent (No. A6259), for interested rail carriers. Rates on sodium (soda), caustic, in tank carloads, as described in the application, from Geismar, La., to Chattanooga, Tenn.

Grounds for relief—Rate relationship. Tariff—Supplement 189 to Southern Freight Association, agent, tariff ICC S-699. Rates are published to become effective on July 8, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7620 Filed 6-1-71;8:47 am]

[Notice 303]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 772 TA), filed May 17, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post

Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving points in Wright Township, Luzerne County, Pa., as off-route points in connection with carrier's regular-route operations, to and from Wilkes-Barre, Pa., authorized herein, for 180 days. Note: Applicant will tack with its other outstanding authorities in Docket MC 42487 at Wilkes-Barre, Pa., and will interline at Wilkes-Barre, Pa. Supporting shippers: Cornell Iron Works, Inc., Crestwood Industrial Park, Wilkes-Barre, Pa. 18707; King Fifth Wheel Co., Crestwood Industrial Park, Post Office Box 68, Mountaintop, PA 18707. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 44639 (Sub-No. 36 TA), filed May 16, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, New Smyrna Beach and, Miami, Fla., for 150 days. Note: Applicant intends to tack with its permanent and temporary authority at Crewe, Va. Supporting shippers: Gerson & Gerson, Inc., 519 Eighth Avenue, New York, NY 10018; Lady Bird Apparel, Inc., 1005 Shenandoah Avenue NW., Roanoke, VA 24016. Send protests to: District Supervisor Joel Morris, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 66121 (Sub-No. 18 TA), filed May-18, 1971. Applicant: INDIAN BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, NY 11787. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers*, from Copiague and Deer Park, N.Y., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, Georgia, South Carolina, North Carolina, West Virginia, Texas, and Kansas, and (2) *refuse compactor systems and commodities used in the manufacture and distribution of refuse compactor systems and refuse containers*, between Copiague and Deer Park, N.Y., on the one hand, and, on the other, points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Sanitary Controls Inc., 225 Marcus Boulevard, Deer Park, NY 11729. Send protests to: Anthony Chiusano,

District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 95540 (Sub-No. 807 TA), filed May 17, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Appendix 1, sections A and C to the report in *Descriptions in Motor Carrier, Certificates*, 61 M.C.C. 209 and 766 (except hides, and pelts, and commodities in bulk, in tank vehicles), from Joslin, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 95876 (Sub-No. 111 TA), filed May 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Richard A. Rennie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, and piling*, treated or not treated, (1) from ports of entry on the United States-Canada boundary at or near Grand Portage, Minn., and International Falls, Minn., to points in Illinois, Indiana, Louisiana, Kansas, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin and (2) from Superior, Wis., to points in Illinois, Indiana, Louisiana, Kansas, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Great West Timber, Ltd., Post Office Box 444, Postal Station P, Thunder Bay, Ontario. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 107983 (Sub-No. 10 TA), filed May 13, 1971. Applicant: COLDWAY EXPRESS, INC., Post Office Box 23, 1069 Johnson Street, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Gravity flow farm boxes, related parts, and running gear*, from the plantsite of Ficklin Manufacturing Co., Onarga, Ill., on the one hand,

and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; (b) *gravity boxes, augers, running gears, grinder mixers, and related parts*, from the plantsite of Helix Corp., Crown Point, Ind., Oelwein and Osage, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and (c) *wagons and running gears, breaking plows, fertilizing equipment, and related parts*, from the plantsite of M & W Gear Co., Gibson City, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shippers: M & W Gear Co., Route 47 South, Gibson City, IL 60936; Helix Corp., Crown Point, Ind., and Ficklin Manufacturing Co., Onarga, Ill. Send protests to: District Supervisor Raymond E. Mauk, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 108119 (Sub-No. 31 TA), filed May 17, 1971. Applicant: E. L. MURPHY TRUCKING COMPANY, 3033 Sibley Memorial Highway, Post Office Box 3010, 55101, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron steel articles*, from Duluth, Minn., to Indiana, Michigan, Ohio, and Pennsylvania, for 180 days. Supporting shipper: United States Steel Corp., 202 South La Salle Street, Chicago, IL 60690. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111594 (Sub-No. 51 TA), filed May 17, 1971. Applicant: C. W. TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Applicant's representative: Gordon G. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Encapsulated dye intermediate slurry*, in bulk, in tank vehicles, from Hartford City, Ind., to Nekoosa and Stevens Point, Wis., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Co. (3M Co.), 3M Center, St. Paul, MN 55101. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 117698 (Sub-No. 9 TA) (Correction), filed April 6, 1971, published FEDERAL REGISTER issue April 17, 1971, and corrected and republished as corrected this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, NY 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream products*, in refrigerated trailers (except in bulk, in tank vehicles), from Scranton and Philadelphia, Pa.; Laurel, Md.; Newark, N.J.; and Suffield, Conn., to points in New York State within 100-mile radius of Oneonta, N.Y., for 150 days. Note: Applicant states it intends to tack the authority here applied for to other authority held by it, but not to interline with other carriers in MC 117698 Sub 1 and Sub 3 and Sub 6 and Sub 8. Supporting shipper: Simonson Bros. Ice Cream Co., Inc., Oneonta, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207. Note: The purpose of this republication is to include the exceptions and add Newark, N.J., as an origin point.

No. MC 117940 (Sub-No. 46 TA), filed May 18, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at Joslin, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118861 (Sub-No. 3 TA), filed May 18, 1971. Applicant: H. L. DRAPER TRUCKING, INC., Rural Delivery No. 3, Indiana, Pa., 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag and aggre-*

gates, from points in Erie County, N.Y., to points in Crawford, Erie, and Warren Counties, Pa., for 150 days. Supporting shipper: The Buffalo Slag Co., Inc., 111 Great Arrow Avenue, Buffalo, NY 14216. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 123233 (Sub-No. 35 TA), filed May 13, 1971. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue; Ville d'Anjou 437, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type trailers, from the ports of entry on the United States-Canada boundary line located at or near Trout River and Champlain, N.Y.; Highgate Springs, Derby Line, and Norton, Vt.; Jackman, Van Buren, Houlton, Vanceboro, and Calais, Maine; to all points in the States of New York, New Hampshire, Vermont, Maine, Massachusetts, and Connecticut. Restriction: To traffic originating in the Province of Quebec, Canada, for 180 days. Supporting shipper: Miron Co., Ltd., 2201 Jarry Street East, Montreal 455, PQ Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 124402 (Sub-No. 6 TA), filed May 18, 1971. Applicant: FLEET LINE, INC., 2919 Eighth Avenue, Post Office Box 7026, Chattanooga, TN 37410. Applicant's representative: Joseph P. Tuohy, 111 Wacker Drive, Chicago, IL 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, animal fats, vegetable oils, and products including blends thereof* (except in bulk, in tank trailers), in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Kentucky, Tennessee, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, limited to a transportation service to be performed under a continuing contract, or contracts with Armour & Co., of Chicago, Ill., for 180 days. Supporting shipper: Transportation and Distribution, Dairy, Poultry, and Oils Division, Armour & Co., 111 East Wacker Drive, Chicago, IL 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 128030 (Sub-No. 29 TA), filed May 17, 1971. Applicant: THE STOUT TRUCKING COMPANY, INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in containers, from Oil City, Pa., to Urbana, Ill., for 180 days. Supporting shipper: Russell G. Stewart, President, Russell Stewart Oil Co., Urbana, Ill. Send protests to: Robert G. Anderson, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 135589 (Sub-No. 1 TA), filed May 13, 1971. Applicant: AARON SCHAD AND JANICE SCHAD, a partnership, doing business as HASTINGS DISTRIBUTING, Post Office Box 992, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, Post Office Box 8086, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and related advertising materials*, from the facilities of The Walter Brewing Co. at or near Pueblo, Colo., to Grand Island, Hastings, Lincoln, and North Platte, Nebr.; (b) *used empty beverage containers* and incidental facilities used in transporting malt beverage from the named destinations in (a) above to the facilities of the Walter Brewing Co. at or near Pueblo, Colo., under continuing contract or contracts with The Walter Brewing Co., for 150 days. Supporting shipper: The Walter Brewing Co., Edmund B. Kooler, President, Hickory and LaCrosse Streets, Pueblo, CO. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 135594 TA, filed May 12, 1971. Applicant: JOSEPH O. BATTLES, Center Road, Bradford, NH 03221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Saw mill equipment*, from Contoocook, N.H., to points in Maine, Vermont, Connecticut, Rhode Island, Massachusetts, New York, Louisiana, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Arkansas, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, Missouri, Kentucky, Michigan, Wisconsin, Indiana, Illinois, Mississippi, Minnesota, and Texas, limited to a transportation service to be performed under a continuing contract or contracts, with HMC Corp. of Contoocook, N.H., for 180 days. Supporting shipper: HMC Corp., Contoocook, N.H. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 135597 (Sub-No. 1 TA), filed May 16, 1971. Applicant: C. K. BROUGH, doing business as STRAIGHT ARROW TRUCKING COMPANY, 5387 South 5030 West Street, Kearns, UT 84118. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts, materials and supplies* used in the construction of truck bodies and finished truck bodies and accessories, between points in Utah, Nevada, California, Arizona, Idaho, Oregon, Washington,

New Mexico, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Ohio, Michigan, Illinois, and Indiana, under a continuing contract with Williamsen Body & Equipment Co., Williamsen's Inc., and Williamsen Idaho Equipment Co., Inc., for 180 days. Supporting shippers: Williamsen Body & Equipment Co., 1925 West Indiana Avenue, Salt Lake City, UT 84104 (L. Carr Williamsen, President); Williamsen Idaho Equipment Co., Inc., 3151 West Chinden Boulevard, Boise, ID 83702 (L. Clair Williamsen, President); Williamsen's Inc., 1925 West Indiana Avenue, Salt Lake City, UT 84104 (L. Clair Williamsen, Vice President). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135607 TA, filed May 17, 1971. Applicant: VANCOUVER AIRLINE CARTAGE LTD., Vancouver International Airport, Richmond, British Columbia. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General freight*, excepting household goods and explosives, that has been moved or is to move over air freight between Vancouver, International Airport, British Columbia, and Sea-Tac Airport, Wash., over Interstate Highway No. 5, for 180 days. Supporting shippers: Air Canada, 1171 West Hastings Street, Vancouver 1, B.C.; Pacific Western Airlines, Vancouver International Airport Central B.C. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-7618 Filed 6-1-71; 8:47 am]

[Notice 304]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 27, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and

will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 54 TA), filed May 20, 1971. Applicant: K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97034. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and dry fertilizer*, in bulk, from points in Walla Walla, Spokane, Franklin, and Benton Counties, Wash., and Kootenai County, Idaho, to points in Oregon, Montana, and Washington, for 150 days. Supporting shippers: Webfoot Fertilizer Co., Inc., 201 Southeast Washington Street, Portland, OR 97214; Northwest Nitro-Chemicals Sales, Ltd., Industrial Park Building 10, Spokane, Wash. 99216; Collier Carbon and Chemical Corp., Post Office Box 60455, Los Angeles, CA 90060; Cominco American, Inc., 818 West Riverside Avenue, Spokane, WA 99201; CF Industries, Inc., 17331 Southeast Stark Street, Portland, OR 97233. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 19193 (Sub-No. 12 TA), filed May 18, 1971. Applicant: LAFFERTY TRUCKING COMPANY, 3703 Beale Avenue, Altoona, PA 16601. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* (except liquid chemicals and coal tar products, in bulk, in tank vehicles) as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, equipment, material, and supplies (except liquid chemicals and coal tar products, in bulk, in tank vehicles) used in the conduct of such business, between Salem, Ohio, on the one hand, and, on the other, (a) Greensburg, Rimersburg, and Kane, Pa., and points in Fayette, Greene, and Washington Counties, Pa.; (b) points in Monongahela, Marion, Taylor, Preston, Barbour, Randolph, and Tucker Counties, W. Va.; (c) Hancock, Md., and points in Garrett County, Md., and (d) points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction through Moorefield, W. Va., McConnellsburg, and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and thence west

through Renovo, Emporium, Johnsonburg, and St. Marys, Pa., to Tionesta, including the points named, excluding points in Garrett County, Md., Fayette County, Pa., and Tucker County, W. Va. Restriction: The operations described under the commodity description above are limited to a transportation service to be performed under a continuing contract, or contracts, with The Great Atlantic & Pacific Tea Co., Inc., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., Central Region, Altoona Division, 29th Street and Industrial Way, Altoona, PA 16603. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 30837 (Sub-No. 435 TA), filed May 17, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from Somerset, Pa., to points in the United States and the return to Somerset of *damaged and repossessed units*, for 150 days. Supporting shipper: The Coleman Co., Wichita, Kans. 67201. (C. G. Dolloff, Corporate Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 35442 (Sub-No. 5 TA), filed May 19, 1971. Applicant: W. CLARENCE OWENS AND HALLET W. OWENS, a partnership, doing business as W. W. OWENS AND SONS TRANSFER & STORAGE, 501 Ward Street, Elizabeth City, NC 27909. Applicant's representative: W. Clarence Owens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Camden, Currituck, Dare, Tyrrell, Perquimans, Pasquotank, Chowan, Gates, Hertford, Northampton, Washington, Bertie, Martin Counties, N.C. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating or containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: J. T. Crowe, Chief Warrant Officer, U.S. Coast Guard, Transportation Officer, Department of Transportation, U.S. Coast Guard, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705; G. J. Rou, Commander, U.S. Coast Guard, Commanding Officer (Acting) Aircraft Repair and Supply Center, Elizabeth City, NC 27909. Send protests to: Archie W.

Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 64932 (Sub-No. 495 TA), filed May 17, 1971. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: James T. Curtis, Jr., Manager-Rates and Movement Services, United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1439 West 103d Street, Chicago, IL 60643.

No. MC 109448 (Sub-No. 13 TA), filed May 20, 1971. Applicant: PARKER TRANSFER COMPANY, Telegraph Road, Post Office Box 256, Elyria, OH 44035. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnace tubes and furnace parts*, from Erie, Pa., to Elyria, Ohio, for 180 days. Supporting shipper: Abex Corp., Engineered Products Division, Elyria, Ohio 44035. Send protests to: District Supervisor Baccel, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 111170 (Sub-No. 162 TA), filed May 19, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Pine Bluff, Ark., to points in Texas, for 180 days. Supporting shipper: Allied Chemical Corp., Post Office Box 2061R, Morristown, NJ 07960. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112801 (Sub-No. 121 TA), filed May 17, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60603. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting Shipper: Bart M. LaMonica, Distribution Analyst, Allied Chemical Corp., Post Office Box 2061R, Morristown, NJ 07960. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114295 (Sub-No. 6 TA), filed May 19, 1971. Applicant: M & M CONSTRUCTION SERVICE, INC., 35 West Seventh Street, New Albany, IN 47150. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Louisville, KY 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, as are ordinarily transported in dump trucks and can properly be unloaded by dumping in dump trucks, from Mauckport, Ind., to points in Jefferson County, Ky., for 180 days. Supporting shippers: Jefferson Concrete Co. 1901 Outer Loop, Post Office Box 19138, Louisville, KY 40219; Modern Concrete Supply Co., 2323 Ralph Avenue, Louisville, KY 40216; Ruby Construction Co., Inc., Post Office Box 16160, Louisville, KY; Shamrock Corp. of Kentuckiana, 258 Eiler Avenue, Louisville, KY 40214. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 115311 (Sub-No. 117 TA), filed May 19, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Building, Atlanta, GA. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products*, from the plantsite of Georgia Pacific Corp. at Brunswick, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee; and, (2) *particle board*, from the plantsite of Georgia Pacific Corp. at Vienna, Ga., to points in Alabama, Florida, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, GA 30903. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 126709 (Sub-No. 4 TA), filed May 17, 1971. Applicant: SABER, INC., 514 South Floyd Boulevard, Sioux City, IA 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from Luverne, Minn., to Sioux City, Iowa for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731.

Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127867 (Sub-No. 6 TA), filed May 24, 1971. Applicant: TRANSOL COMPANY, 116 Forest Avenue, Des Moines, IA 50314. Applicant's representative: Marvin F. Peterson, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, from Freeport, Tex., to Des Moines, Bettendorf, and Council Bluffs, Iowa for 180 days. Supporting shipper: Barton Solvents, Inc., Barton Solvents Co., Barton Naphtha Corp., Post Office Box 221, Des Moines, IA 50301. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129659 (Sub-No. 4 TA), filed May 17, 1971. Applicant: T-P STORAGE AND LEASING, INC., 4 Colonial Terrace, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pile drivers* (pile driver hammers) or *pile extractors* or *pullers*, or *pile driver extractor* or *puller cylinders*, *grips*, *heads*, *clamps*, *pistons*, *rams*, *retainers*, *side straps*, or *tie rods*, *separate or combined*, *steel pipe*, *piling*, *rails*, *railway track accessories* and *bridge and highway railing*, between Newark, Windsor, N.J.; Philadelphia, Pa.; New Haven, Conn., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co., for 150 days. Supporting shipper: L. B. Foster Co., Post Office Box 548, Carnegie, PA 15106. Send protests to: District Supervisor Joel Morrows, Bureau of Opera-

tions, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135557 (Sub-No. 1 TA), filed May 17, 1971. Applicant: FLORIDA MOVING & STORAGE OF JACKSONVILLE, INC., 678 North Edgewood Avenue, Jacksonville, FL 32205. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida on and north of Florida Highway 40 and on and east of U.S. Highway 19 and points in Georgia on and east of U.S. Highway 19 and on and south of U.S. Highway 84. Restriction: Prior or subsequent movement in containers, beyond points authorized, and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Mitchell Overseas Movers, Post Office Box 88728, Tukwila Station, Seattle, WA 98168. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135590 (Sub-No. 1 TA), filed May 17, 1971. Applicant: GOLD COAST TRUCKING & EXPRESS, INC., 278 Southwest 32d Court, Fort Lauderdale, FL 33315. Applicant's representative: Richard B. Austin, 5720 Southwest 17th Street, Room 109, Miami, FL 33155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies*, and *electric equipment*, classification 63035-A-10 N.M.F.C., as a distribution carrier, from, to, between points in Dade, Broward, and Palm Beach Counties, Fla., on traffic having a prior out-of-State movement, for 180 days. Supporting shippers: The Magnavox Co., Fort Wayne, Ind. 46804; Eastman Kodak Co., Rochester, N.Y. 14650. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 South-

west 17th Street, Room 105, Miami, FL 33155.

No. MC 135606 TA, filed May 17, 1971. Applicant: MARC A. ROBIN, No. 5 York Building, Viewmont Village, Scranton, PA 18508. Applicant's representative: Thomas J. Jones, 502-505 Brooks Building, Scranton, PA 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used batteries and lead*, between the Borough of Throop, Lackawanna County, Pa., on the one hand, and, on the other, points in the States of West Virginia, Virginia, Michigan, Ohio, Delaware, Maryland, Massachusetts, Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey, New York, and the District of Columbia, for 180 days. Supporting shipper: Marjol Battery & Equipment Co., 600 Delaware Avenue, Throop, PA 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135614 TA, filed May 19, 1971. Applicant: ESKELIN, INC., 4604 Wornall Road, Kansas City, MO 64112. Applicant's representative: Max G. Morgan, 600 Leninger Building, Oklahoma City, OK 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides* and *defoliants*, except in bulk, between the plant and warehouse of Chemagro Corp., Kansas City, Mo., and points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, MO. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7619 Filed 6-1-71;8:47 am]

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